

DO. 8/39

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**R E P O R T**

FROM THE

**Committee of Privileges and Elections,**

Touching the

**Election for the County of WEXFORD,**

REPORTED

On *Saturday* the 29th of *November*, 1755 :

WITH THE

**Resolutions of the Committee thereupon.**

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*Dublin*, Printed by ABRAHAM BRADLEY, Stationer to the  
KING's Most Excellent MAJESTY, and Printer to the  
Honourable HOUSE of COMMONS, at the *King's Arms*  
and *Two Bibles* in *Dame-street*. 1755.



*Sabbati, 29 Die Novembris, 1755.*

**B***y Virtue of an Order of the House of Commons, I do  
appoint Abraham Bradley to print this Report, and that no  
other Person do presume to print the same.*

HENRY BOYLE, Speaker.





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# R E P O R T, &c.

**M**R. *Malone* reported from the Committee of Privileges and Elections, the Matter as it appeared to them touching the Election for the County of *Wexford*, and the same is as follows :

Mr. *Speaker*,

**T**HE Committee of Privileges and Elections, to whom the Petition of *Andrew Ram*, Esq; complaining of an undue Election and Return for the County of *Wexford* was referred, have taken the Matter thereof into Consideration, and examined Witnesses, produced before them, in the most solemn Manner, pursuant to the Order of the House; and have directed me, for the better Information of the House, to report the Proceedings of the Committee upon the said Petition specially, which I have accordingly done in Manner following, to wit,

Your Committee first met and proceeded to hear the Matter of the said Petition on *Friday* the Seventh Day of *November* instant in the Morning : And after reading the said Petition, and the several Orders of Reference from the House to the Committee, and the Orders of the House appointing the Time and Manner of the Committee's Proceeding, the Petitioner's Council stated the Petitioner's Case, and mentioned, That on the Twenty Fourth of *November*, One Thousand Seven Hundred and Fifty Three, a Writ issued for electing a Knight of the Shire for the said County; and that *Solomon Richards*, Esq; the then Sheriff, appointed *Monday* the Thirty First of *December*, One Thousand Seven Hundred



dred and Fifty Three, for holding the said Election, and that the Sitting Member and the Petitioner were Candidates on the said Election. And that it was agreed by the Candidates to poll Ten of a Side, and that the Numbers should be equal each Night until the last ; and that the Poll should be carried on without a Scrutiny, but that the Scrutiny should be after the Poll should be ended. And that accordingly Mr. *Leigh* Your worthy Sitting Member's First Ten were polled and received without Objection ; but the Fourth and Seventh of Mr. *Ram* Your Petitioner's First Ten Voters were objected to ; and from or immediately after that Time each Vote was scrutinized, and the Agreement relative to the Scrutiny departed from, and considered as waived. And the Council then stated the Acts of the Second Year of the Reign of His late Majesty, and of the Nineteenth and Twenty First Years of His present Majesty's Reign, relative to the Elections of Members of Parliament. And mentioned, that the Sheriff had acted with great Partiality in Favour of the Sitting Member. And stated several Instances in which they apprehended that the Sheriff's Partiality would appear ; and particularly that the Sheriff had refused to tender the Freeholder's Oath to, or to receive the Votes of several Freeholders, who had offered to vote for Mr. *Ram* the Petitioner ; and yet admitted several Persons to vote for the Sitting Member without taking the Freeholder's Oath, though he was required to administer the same to them. And that in some Instances he received the Votes of Persons for the Sitting Member to whom the same Objections lay and were made, for which he rejected Votes offered for Mr. *Ram* the Petitioner. And that the Sheriff and some of the Sitting Member's Friends insulted and ill treated several of the Petitioner's Friends, when they offered to vote for him.

They further mentioned, that the Election continued to the Twelfth of *January*, One Thousand Seven Hundred and Fifty Four, when the sitting Member, who had polled to the Number of Three Hundred and Ninety Nine, declared he had no more to Poll, and then stopped polling : But the Petitioner Mr. *Ram*, polled on to the Number of Four Hundred and Twelve. And that after the Poll was closed, the Sheriff, who had behaved with great Partiality in favour of the sitting Member, throughout the Election would not declare how the Poll stood upon his Books, although he was often required so to do by the  
Petitioner



Petitioner, and by several other Gentlemen Freeholders, but on the contrary declared he would not tell how the Poll stood, *being so advised*. That the Poll upon the Sheriff's Books, as the Council alledged, did in Fact then stand thus;

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|-------------------------|-------|-----|
| For your sitting Member | _____ | 399 |
| And for your Petitioner | _____ | 412 |

And that the Sheriff having closed his Books on the Twelfth of *January*, and having refused to declare how the Numbers as taken by him stood, declared he would proceed to a Scrutiny, on *Monday* the Fourteenth of *January*; and accordingly on that Day, went into what he called a Scrutiny. And although all those whose Votes had been received for Mr. *Ram*, the Petitioner on the Poll, and to whom any Objection was made, had taken the Freeholder's Oath, except two; and although it was insisted upon, on the part of Mr. *Ram*, that the Oath was conclusive to the Sheriff, yet he on the Scrutiny rejected Twenty Three of the Petitioner's Voters, Twenty One of whom had taken the Freeholder's Oath. And although he was repeatedly required by the Petitioner, and by other Gentlemen on his behalf, to assign his Reasons for rejecting them, and to have their Names read aloud distinctly, so as to be taken down in writing, he absolutely refused to do either. They further alledged, that of the said Number of Twenty Three rejected upon the Scrutiny, Twenty One had not only taken the Freeholder's Oath, but had independent of that an undoubted Right to vote. So that supposing all the Votes taken for the Sitting Member to have been good, yet the Petitioner Mr. *Ram* had a fair Majority of at least Thirty Two Votes. That the Sheriff, by rejecting Twenty Three Votes for the Petitioner and three for the Sitting Member, made a Majority of Seven for the Sitting Member, on which the Sheriff grounded his Return. The Council for the Petitioner, then sayd, they proposed to establish a Majority of Thirty Two at least for the Petitioner, in the following Manner (to wit) That there were Twenty Eight who offered to vote for the Petitioner, rejected by the Sheriff on the Poll, of which they would establish for the present Eighteen; but that they did not waive the remaining Ten of the Twenty Eight, for that the same Objections which were made to them, lay to Twenty Eight Persons, who had voted for the Sitting Member. The Petitioner's Council then stated several Objections, to several of the Sitting Member's Voters, and sayd they should be able to dis-



qualify Twenty Nine who voted for the Sitting Member, which would give the Petitioner a Majority of Fifty Nine. And in order to make out the Allegations of the said Petition, the Petitioner's Council first produced,

Mr. *William Bolton*, who having been examined, sayd, he was employed to take the Poll for the Petitioner. That he knew the late Sheriff of the County of *Wexford* who presided at the said Election. That the Poll began the Thirty First of *December*, One Thousand Seven Hundred and Fifty Three, and the Sheriff closed his Books the Twelfth of *January*, One Thousand Seven Hundred and Fifty Four. That Application was made by several to the Sheriff, to declare the Numbers at the Close of the Poll in behalf of the Petitioner, particularly by Sir *Arthur Gore* and Mr. *Colclough*, but the Sheriff would not declare the Poll, though he must have heard the Application made to him for that Purpose; and adjourned the Court on *Saturday* the said Twelfth of *January*. That on the *Monday* following, the Court sat about Eleven o'Clock, and Sir *Arthur Gore* told the Sheriff that the Petitioner had a Majority of Thirteen, and desired him to declare the Majority; and Mr. *Carew* told the Sheriff, unless he declared the Numbers, there could not be a Scrutiny. That the Sheriff sayd, he closed the Poll on *Saturday* Night, and that the Scrutiny was in Order to make a just Return. That Mr. *Colclough* sayd, the Sheriff should declare the Numbers before a Scrutiny was demanded; the Sheriff sayd, he did not look at the Numbers: On which Mr. *Colclough* sayd, if the Sheriff declared the Majority for Mr. *Ram*, there would be Reason for a Scrutiny. That Doctor *Clarke* thereupon quoted the Fourth Institute, *That every Freeholder had a Right to call for a Scrutiny*. And the Witness being asked, who Doctor *Clarke* was, and whether he was a Freeholder, made answer, that Doctor *Clarke* acted as Council to the Sheriff, but was not a Freeholder of the said County. That Mr. *Carew* thereupon desired the Sheriff would declare, whether he would or would not declare the Numbers on the Books, before he went into a Scrutiny. And Mr. *Colclough* again also desired the Sheriff to declare the Numbers; upon which the Sheriff (with some Asseverations which Your Committee do not think fit to repeat) sayd, he thought a Scrutiny Essential, and desired them to go on with the Scrutiny, and if he should say a Word to injure any Body, that a Coal might fall down and burn him. That Mr.

*Colclough*



Colclough then sayd, they only wanted to know the Numbers on the Sheriff's Books ; on which the Sheriff sayd, that Doctor Clarke sayd, it was material to go into the Scrutiny. That Mr. Carew desired him again to declare the Numbers on the Poll ; in Answer to which, the Sheriff sayd he would not, till he gave better Reasons than Mr. Maxwell had done ; and then sayd, he refused it, *being so advised*. That Mr. Carew thereupon desired the last Act of Parliament might be read, and sayd a Scrutiny never was demanded till the Poll was declared. That the Act was then read : And thereupon the Sheriff sayd, *he had been too diffident with respect to his Powers*. That John Higginbotham, a Voter for the Petitioner, was then objected to, and the Sheriff declared he would not hastily dispose of that Vote. That then the Sheriff proceeded on the Scrutiny ; and that thereupon Mr. Carew sayd, that he and the Gentlemen concerned for Mr. Ram, did not admit that to be a Scrutiny on his behalf, for that on finishing the Poll, the Sheriff closed the Books and signed them. That the Sheriff did not deny he had signed the Books, but though desired to declare the Majority, he declined it ; and that Application was again made to him that Day, to declare the Poll, which he refused. Upon which, Sir Arthur Gore sayd, the Scrutiny was at the Request of Mr. Leigh, and that he did not desire him to go into it, but to declare the Numbers as they stood on the Books ; That if the Sheriff would declare the Numbers as they stood on the Poll Book, he would enter into the Scrutiny, but otherwise would not. That all this happened when the Sheriff was on the Scrutiny, and that neither Mr. Ram or any on his behalf joined in the Scrutiny. The Witness further sayd, that the Sheriff did not on the *Monday*, reject any of Mr. Ram's Voters, but adjourned the Court to the next Day. That on *Tuesday*, the Sheriff came into Court, and immediately after took a Paper out of his Pocket, and sayd, he rejected those Persons he was going to name, who had voted for Mr. Ram. That he thereupon named John Higginbotham, and then went on, naming others ; and the Witness sayd, he attempted to take down the other Names, but the Sheriff read so fast, that he could not, though he often applied to him to read slow. That the Sheriff then sayd, he rejected three of Mr. Leigh's Voters, which the Witness took down (one of them Mr. Tottenham as voting by a Letter of Attorney for the Corporation of *Ross*) tho' no Objection had been made to them on the Part of Mr. Ram. But the Witness sayd, he could not recollect that any body desired  
the



the Sheriff to give a List of the Twenty Three which he had rejected, who had voted for Mr. *Ram*. And the Witness further sayd, he could not declare positively, but believed Sir *Arthur Gore* desired the Sheriff to assign his Reasons for rejecting the Twenty Three who had voted for Mr. *Ram*; but that the Sheriff without assigning any Reasons, then declared a Majority of Seven for your Sitting Member.

The Witness further sayd, the Poll on his Book on *Saturday* stood thus; For the Petitioner Four Hundred and Twelve, for your Sitting Member Three Hundred and Ninety-nine, and that he believed it stood the same way on the Sheriff's Books; and that he compared the Books every Night, save the last. He further sayd, that the Three of the Sitting Member's Voters who were rejected on the Scrutiny by the Sheriff, were rejected without any Objection on the Part of the Petitioner upon the Scrutiny. He further sayd, that the first Objections made on the Poll were to the Fourth and Seventh of the first Ten of the Freeholders who polled for the Petitioner, and that they both stood numbered on the Poll Books. He further sayd, that *John Higginbotham* took the Freeholder's Oath, as did *Richard Williams*, *Patrick Sullivan*, *Richard Jeffers*, *Edward Turner*, *Moses Mitchell*, *Nathaniel Taylor*, *William Williams*, *Edmunda Widdop*, *James Baily*, *John Thark*, *William Baily the Younger*, *Henry Williams*, *John Horneck*, *Thomas Williams*, *Henry Stewart*, *Archibald Little*, *Henry Reynarte*, *Nicholas Horton* and *William Edwards*. But that *William Carter* was not sworn, no Objection having been made to him on the Poll.

The Witness further sayd, That the Sheriff refused to give the Freeholder's Oath to *Joseph Copeland*, who declared he was willing and could with a safe Conscience take the Oath, and desired it might be given to him, and declared he voted for Mr. *Ram*, but that the Sheriff sayd he would not give him the Oath, for his own Reasons, and that he would not countenance his Perjury, and did not doubt but he would take it, but that he rejected his Vote on the plain Evidence of his own Mind. That the Candidate then desired he might be sworn, but the Sheriff refused it; and the Witness, on being asked which of the Candidates desired it, sayd he believ'd it was Mr. *Ram* the Petitioner who desired he might be sworn, but could not be positive, as he did not take down his Name. That Mr. *Maxwell* then desired the Man  
might



might be sworn, to which the Sheriff answered, he might hear him swear as others, and that he could give Grounds for what he sayd; and the Sheriff then sayd he would withdraw himself.

The Witness further sayd, that *Robert Percival* offered to vote for Mr. *Ram* the Petitioner, first as a Forty Shillings Freeholder, but afterwards sayd he would vote as a Ten Pounds Freeholder. Upon which Mr. *Maxwell* asked him if he was a Protestant? to which *Percival* made Answer, he looked more like a Protestant than he did; whereupon Mr. *Charles Tottenham* sayd the Man should be sent to *Newgate*. That *Percival* beg'd Mr. *Maxwell's* Pardon several times, and offered to poll, but Mr. *Maxwell* complained to the Court that he was insulted, and withdrew, so did your sitting Member. That the said *Robert Percival* was produced again the next Day, and desired the Freeholder's Oath, and offered his Vote for the Petitioner, to which the Sheriff answered that Doctor *Clarke* had heard him reject him before, and that he (the Sheriff) did then reject him.

The Witness being further examined sayd, he had known *Percival* for several Years; that he and his Family are all Protestants, and never heard him to be otherwise; and that no Objection was made to him as to his Religion or his Freehold save as aforesaid,

The Witness further sayd, that *John Goodall* was objected to for having a Popish Wife. That he sayd his Wife had made her Recantation before he married her, about eight Years ago, and that he had a Certificate of her Conformity before he married her. That he was asked if he was married to her before that, he sayd there was a Ceremony, or sort of a Ceremony, but that he did not look upon it as a Marriage, as there was no Consummation in Consequence of it, nor even a Ceremony of Marriage, for he was drinking all the Time. Thereupon Mr. *Henry Loftus* sayd he ought to be committed; and the Sheriff sayd if he was disabled in the Light Mr. *Maxwell* put it, he could not admit him, and that nothing offered to the contrary. That the said *John Goodall* was then postponed, but offered himself again the next Day, and produced a Certificate of the Minister and Church-Wardens of *Ardcullum* and *Edermine*, which was read, and an Affidavit of his Wife's receiving the Sacrament, and a Certificate of his Marriage, which were also read. And



that the Sheriff declared he did not think him a Protestant qualified to vote: That *Goodall* thereupon demanded the Freeholder's Oath, which was refused him, and the Sheriff also refused to take his Poll for the Petitioner.

And then the Chairman by order of the Committee left the Chair ; and no further Proceedings were had before the Committee on the said Seventh Day of *November*.

But pursuant to an Order made by the House for that purpose, the Committee met again on *Saturday* the Fifteenth Day of *November* Instant, and proceeded in the further Hearing of the Merits of the said Election. And the said *William Bolton* was again produced as a Witness on behalf of the Petitioner ; and being further examined sayd, that *John Devereux* offered to vote for Mr. *Ram* the Petitioner, but was objected to as a Papist. That he thereupon sayd he had made his Recantation at twelve or thirteen Years old, and that he had been a Protestant Fifty Years, but that he had not a Certificate of his Conformity at that time. He demanded the Freeholder's Oath, which the Sheriff refused, and postponed him 'till he produced a Certificate of his Conformity. He sayd he was a good Protestant, and voted for the Petitioner. That he had been going to Church Fifty Years, and was near Sixty Four Years old.

The Witness further sayd, no other Objection that he could remember was made to the said *John Devereux*, but his not being a Protestant ; and that he believed the said *John Devereux* polled on the Election when Mr. *Jones* and Mr. *Monk* were Candidates without any Objection ; but that he could not recollect for whom he voted on that Election, neither could he tell whether the said *Devereux* polled at the Election in One Thousand Seven Hundred and Twenty Seven or not.

The Witness further sayd, that *Peter Doran* was objected to as a Papist, and that *Doran* sayd he had conformed to the Protestant Religion, and had recovered as a Protestant Discoverer upon the Popery Acts, and produced the Bishop's Certificate of his Conformity, and sayd he had conformed before Bishop *King* Thirty Years ago, and had filed a Bill on the Popery Acts and recovered. That he read his Recantation and got a Certificate, and that it was filed, and that he took the Oaths of Allegiance  
and



and Abjuration, and signed the Declaration. That Doctor *Clarke* Council for the Sheriff thereupon sayd, he must be postponed without Prejudice to the Candidates, not having produced a Certificate of Conformity. That *Doran* thereupon demanded the Freeholder's Oath, and sayd he voted for Mr. *Ram* your Petitioner, and that Mr. *Tench*, *Doran's* Parish Minister, sayd he received the Sacrament constantly, to which the Sheriff made no Answer but postponed his Poll. The Witness being then asked whether Mr. *Tench* was a Freeholder and for whom he voted, made Answer that Mr. *Tench* was a Freeholder and voted for Mr. *Leigh*.

The Witness further sayd, that *Doran* offered himself a second Time and then produced a Certificate of his Conformity, and was postponed 'till the next Morning. That *Doran* offered himself again the next Morning, and the Certificate from the Rolls was read, and he thereupon demanded the Freeholder's Oath, and offered his Vote for Mr. *Ram* the Petitioner, but the Sheriff refused to give him the Oath or receive his Vote.

The Witness further sayd, that *Matthew Redmond* offered to vote for the Petitioner, but was objected to for being a Convert; he sayd he was a Convert, had made his Recantation Thirteen or Fourteen Years before, and had performed all the Requisites, and that he was ready to swear it, and that his Certificate was filed, but that *Redmond* was rejected by the Sheriff for not producing a Certificate. The Witness further sayd, that *Redmond* offered himself again, and produced and proved a Certificate from the Rolls of his Conformity. The Sheriff then desired him to produce a Certificate of his having taken the Oaths, to which *Redmond* answered, that he had taken the Oaths and received the Sacrament, and that he was willing to take the Freeholder's Oath, and declared he voted for Mr. *Ram* the Petitioner; but the Certificate of his having taken the Oaths not having been produced, the Sheriff rejected his Vote.

The Witness further sayd, that *Garret Graham* offered to vote for Mr. *Ram* the Petitioner, and that he was objected to as being a Papist, but that he sayd he had conformed, and produced a Certificate thereof from the Rolls, which was read; and sayd he had taken the Oaths and received the Sacrament, and that he was willing to take the Freeholder's Oath, and polled for Mr. *Ram*, but the Sheriff rejected his Vote.

The



The Witness further sayd, That *Stephen Cavenagh* offered to vote for Mr. *Ram* the Petitioner, and that he was also objected to as being a Papist; but that he produced the Certificate of his Conformity. And *Cavenagh* sayd, he had taken the Oaths and received the Sacrament, and was willing to take the Freeholder's Oath, and polled for Mr. *Ram* the Petitioner; but the Sheriff would not receive his Vote.

The Witness further sayd, That *Thomas White* offered to vote for Mr. *Ram* Your Petitioner, but an Objection was made to him that his Wife was a Papist. That *White* admitted she was a Papist when he married her, but she had read her Recantation and conformed within the Two Years precedent; and a Certificate of her Conformity was produced and proved by *Philip Purcell*, and was afterwards read, and *White* declared he voted for Mr. *Ram* the Petitioner, and was willing to take the Freeholder's Oath; but the Sheriff rejected him.

The Witness further sayd, That *William Wheeler*, a Quaker, offered to vote for Mr. *Ram* Your Petitioner. That an Objection was made to him that his Wife was a Papist. That *Wheeler* thereupon sayd, he would affirm he believed she was a Protestant. Upon which the Sheriff sayd, he was satisfied she was not, and that all the Cooking that could be used should not make him receive the Vote. The Witness further sayd, there was no Certificate of her Conformity desired, and that he could not say whether *Wheeler* did or did not demand the Freeholder's Affirmation.

The Witness further sayd, That *Matthew Kierevan* offered to vote for Mr. *Ram* the Petitioner, and that he was objected to as being a Papist. That he admitted he went to Mass after he was Twelve Years old, and sayd he had not a Certificate of his Conformity, but that he voted for Mr. *Ram* the Petitioner, and was ready to take the Oaths; and that his Vote was first postponed and afterwards rejected by the Sheriff.

The Witness further sayd, That *Nicholas Howlett* offered to vote for Mr. *Ram* Your Petitioner, and that he was objected to as being a Papist, and born of Popish Parents; and that he sayd his Father was a Papist but his Mother a Protestant. That he made his Recantation Sixteen Years ago. That he was a Protestant before he made his Recantation Twenty Years, and was Fifty Six  
Years



Years old. But his Vote was postponed. And the Witnesses could not say whether *Howlett* did or did not offer to take the Freeholder's Oath, but he declared he voted for Mr. *Ram*.

The Witnesses further sayd, That *Thomas Duffil* offered to vote for Mr. *Ram* the Petitioner, and that he was objected to as not duly registered, for that the Name of the Person registered was *Duffin*; *Duffil* sayd he could not write. That his Brother was called *Duffin*; and that he was sometimes called *Duffin* and sometimes *Duffil*. And Mr. *Hatton* sayd he was the Magistrate who took the Affidavit at the Sessions in order to the Registry, and that *Duffil* then present was the Person who took the Oath before him for the registering his Freehold. And Mr. *Colclough* offered to produce one of the Justices to shew that the said *Duffil* was the Person registered. That then *Duffil* demanded the Freeholder's Oath, but the Sheriff refused it and rejected his Vote.

The Witnesses further sayd, That *Matthew Slator* offered to vote for Mr. *Ram* the Petitioner, but was objected to as not duly registered, as it appeared that his Place of Abode in the Registry is of St. *Leonard's*, and that he named himself of *Dublin* when called upon to vote, tho' he sayd his Freehold was of St. *Leonard's*. That the Affidavit of Registry was thereupon produced to him, and he sayd he was the Person who made the Affidavit and was registered; and that he several times demanded the Freeholder's Oath, to which the Sheriff sayd, if he was properly registered he should have it; but the Sheriff afterwards refused his Vote.

The Witnesses further sayd, That *William Jewel Edwards* offered to vote for the Petitioner, but was objected to as not duly registered. *Edwards* sayd he was ready to take the Freeholder's Oath, but his Vote was not received.

The Witnesses further sayd, That *Edward Lewis* offered to vote for Mr. *Ram* the Petitioner, and that an Objection was made to him that the Freehold was not in him being mortgaged. The said *Lewis* sayd he was in Possession and received Four Pounds a Year, and was willing to take the Freeholder's Oath if the Securities were given up to him; but he had Reason to doubt about his Freehold, as he had not the grand Lease in his Hands. Mr. *Hill* threw his Lease across the Table to him. *Lewis* then sayd he gave a Bill of Sale to *Thomas Hill* of his Lease, and that *Hill* came into Possession, and that *Hill* was to pay him Four Pounds a Year during his

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Life;



Life; sayd *Hill* paid the Four Pounds a Year to his the said *Lewis's* Orders. That he was to get back the Land when he paid *Hill* his Debt. And being asked what he meant by a Bill of Sale, he sayd, he meant by a Bill of Sale, that being in Debt to *Hill* he gave him his Lease and other Things to secure him, and that afterwards he made him a Lease at Fourteen Pounds Nine Shillings a Year. That the Rent and Duties were Ten Pounds Six Shillings a Year, and his Profit Four Pounds a Year. The Witness further sayd, that *Lewis* was postponed by the Sheriff but came a second time to vote, and then sayd *Hill* was paid off; and Mr. *Hill* also confessed he was paid, and *Lewis* was asked if he would take the Freeholder's Oath, but he seemed to be in doubt about it, and being asked his Reason, he sayd it was because he had not the grand Lease in his Hands, and that if Mr. *Hill* would give him his grand Lease and Bond he was willing to take the Oath, and Mr. *Hill* thereupon threw him the grand Lease, but the Sheriff rejected his Vote.

The Witness further sayd, That *John Doyle* offered to vote for Mr. *Ram* Your Petitioner, but was objected to as the Lives were not named in his Lease. *Doyle* sayd one Life was named a Year ago, that he had been in Possession Ten Years, and named the Lives to his Landlord, who sayd it was very well. Sayd he was willing to take Affirmation of his Freehold, and offered to vote for Mr. *Ram* Your Petitioner, but was rejected by the Sheriff.

The Witness *William Bolton* being Cross-examined by the Council for Your Sitting Member, sayd, that *Joseph Copeland* sayd he had a Lease for Lives at Eight Shillings an Acre. That he had Twenty Four Acres in his Hands worth a Guinea an Acre. That the Witness further sayd, that he took the Evidence on both Sides in his Book as well as he was able, and that he did not remember that *Copeland* sayd there was a Clause in his Lease for his Landlord to resume the Land. That *Copeland* sayd he would take the Freeholder's Oath, which the Sheriff refused. Sayd he heard nothing of a Notice, until after the Sheriff had refused giving the Freeholder's Oath. And that after *Copeland* was gone away, the Sheriff desired he might be called again, and that it was before any other came to vote; but that he did not believe *Copeland* was then in Court, but believed *Copeland* was gone before Notice was taken of the Clause. And further sayd, that on Mr. *Maxwell's* desiring he might be sworn, the Sheriff sayd he might hear him swear as he did others, but that he would withdraw himself. And as the Discourse relative to the



the Clause had happened after the Sheriff's Declaration, therefore the Witness sayd he made no Entry of it; but that he was almost positive it was after *Copeland* was withdrawn that the Clause was mentioned, and that it did not appear to the Sheriff, by any thing sayd in Court, before he rejected *Copeland's* Vote, but that he did not know what private Knowledge the Sheriff had.

The Witness upon his Cross Examination further sayd, he knew *William Percival* and that he believed he was a Friend of the Petitioner's and acted as such, and that no one on the Part of Mr. *Ram* opposed administering the Freeholder's Oath to *Copeland*. And that the Witness often called over to the sitting Member's Agents, not to take down Notes that were not Facts.

The Witness being Cross-examined by the sitting Member's Council in respect to *Robert Percival*, sayd, he believed the Religion of *Percival's* Wife was talked of, because *Percival* sayd he was not married to a Papist, but that the Witness did not know that Mr. *Ram* or any Body on his behalf sayd, or that Mr. *Colclough* sayd, they did not insist on *Percival's* Vote. And that he did not believe Mr. *Ram* sayd so, and is inclined to believe Mr. *Colclough* did not, as he was a Friend to Mr. *Ram*, and that he should have entered it in his Book if he had. He further sayd, he was inclined to believe that *Percival* did not on his first appearing demand the Freeholder's Oath. He also sayd, he had known *Percival* several Years, and that he believed his Wife was a Papist, but did not know her. That he believed she was dead, but never saw her and knew nothing about her. That he believed she might have lived a Year after her marriage; but had heard it doubted whether *Percival* was married to her or not. That *Percival* came first to vote as a Forty Shillings Freeholder, and afterwards came to vote as a Ten Pounds Freeholder. And that Mr. *Maxwell* having asked him if he was a Protestant, *Percival* sayd he looked more like a Protestant than he did; and that Mr. *Charles Tottenham* then sayd, the Man should be sent to Newgate. The Witness further sayd, that *Percival* begged Mr. *Maxwell's* Pardon several times and offered to Poll, but Mr. *Maxwell* complained to the Court that he was insulted and withdrew, as did also Mr. *Leigh* your sitting Member and his Friends.

The Witness being Cross-examined in respect to *John Goodall*, sayd, he had known him many Years, and believed he was married



married, and that his Wife was then living, and believed she was a Papist before he married her, and believed from what *Goodall* sayd that she conformed before he married her, but that he had no other Knowledge of the Matter save what he heard at the Election; and that he believed what was called a Ceremony was not a Marriage, and that he did not believe that *Goodall* meant a Marriage celebrated by a Clergyman. The Witness further sayd, that he believed *Goodall* voted on former Elections, but could not charge his Memory what Objections were made, or whether he was rejected or not. That the Witness was employed as Clerk on the Election between *Jones* and *Monk*, but could not say whether *Goodall* voted on that Election or not. That the Certificates from the Minister and Church-Wardens of *Ardcullum* and *Edermine* were read in Court, but could not say by whom they were signed or when dated. And the Certificate of the Marriage was also read, but no other Evidence given of her being a Protestant. Sayd that *Goodall* sayd he had a Certificate of his Wife's Conformity enrolled before he married her, but did not produce it.

The Witness being Cross-examined in respect to *John Devereux*, sayd, he was postponed until he produced a Certificate of his Conformity, and that he believed he produced no Certificate.

The Witness being Cross-examined in respect to *Peter Doran*, sayd, that *Peter Doran* was postponed to produce a Certificate of his Conformity, and that he understood such Certificate to be a Certificate from the Rolls Office. That after another Man had been polled, Mr. *Maxwell* objected that *Peter Doran* was not duly registred, generally, but that no particular Objection was made; and that it was after *Doran* was gone; and that no such Objection was made on *Doran's* coming a second time to vote.

The Witness being Cross-examined in respect to *Matthew Redmond*, sayd, that the Sheriff rejected him for want of a Certificate of his having taken the Oaths.

The Witness being Cross-examined in respect to *Garret Graham*, sayd, he did not believe that *Graham* was called upon to take the Oaths.

The Witness being Cross-examined in respect to *Stephen Cavenagh*, sayd he believed *Cavenagh* admitted he was born of



of Popish Parents, and produced no Certificate but the Bishop's of his Conformity.

The Witness being Cross-examined in respect to *Thomas White*, sayd, that said *White* confessed he had been eight Years married, and that his Wife had conformed within the two Years then past.

The Witness being Cross-examined in respect to *William Wheeler*, sayd, that said *Wheeler* refused to take the Affirmation in respect to his Wife in any other Manner, but that he believed her a Protestant.

The Witness being Cross-examined in respect to *Matthew Kierevan*, sayd that *Kierevan* gave no Evidence of his Conformity but his own Declarations, and cannot say *Kierevan* was called upon to take the Freeholders Oath.

And then the Chairman, by Order of the Committee left the Chair, and no further Proceedings were had before the Committee on the said Fifteenth Day of *November*.

But pursuant to an Order made by the House, by which the Committee were directed to proceed in the further Hearing of the Merits of the said Election, from Day to Day until the same should be gone through. The Committee met again on *Tuesday* the Eighteenth of *November* Instant, and proceeded in the further Hearing of the Merits of the said Election.

And the said *William Bolton* being Cross-examined, in respect to *Nicholas Howling*, sayd, that the Objection to *Howling* was, that he was a Papist, and that *Howling* did not produce any Written Evidence of his being a Protestant; but that he did not believe *Howling* admitted he was a Papist, otherwise than by saying he had conformed, and from thence the Witness believed *Howling* was at some Time a Papist.

The Witness being Cross-examined in respect to *Thomas Duffil*, sayd, that *Duffill* did not say he had registered his Freehold within Ten Years; but that he could not remember whether *Duffil* sayd he could or could not write.



The Witness being Cross-examined in respect to *Matthew Slator*, sayd, he was objected to as not being duly or properly registered, and that the Affidavit was produced in which he was called of *St. Leonard's*, and that he believed *Slator*, sayd he, at the same time of the Registry, lived in *Dublin*.

The Witness being Cross-examined in respect to *Edward Lewis*, sayd, that *Lewis* declared it was after his Lease was registered that he made the Bill of Sale, but the Lease by which he had the Four Pounds a Year was not registered; and that he ordered Part of the Four Pounds a Year to be paid to his Creditors, and received Part himself, and that *Hill* paid the Four Pounds a Year to his the said *Lewis's* Orders. That *Hill* threw over the Lease, and *Lewis* sayd, if the Lease and Bond were given up he was willing to take the Oath.

The Witness was then Cross-examined, by the sitting Member's Council, in respect to the Manner agreed upon by the Candidates for conducting the Election, the Terms of which he read out of his Book and are as follow :

" Agreed by the Candidates that Ten and Ten shall be the  
 " Number polled on each Side. The Hours of Polling from  
 " Ten in the Morning till Four. The Scrutiny after the gene-  
 " ral Poll is over. The Numbers to be equal each Night un-  
 " til the last of the Election."

And that he believed the said Agreement was entered into by the Petitioner and the sitting Member.

A Paper was then produced to the Witness, signed *Andrew Ram*, and he was asked, if he was acquainted with the Hand-writing of *Andrew Ram*, the Petitioner, and having answered that he was not, and that he had never seen him write; the Council for the Petitioner desired to see the Paper, and sayd they would admit it if the Signature was the Petitioner's, and having view'd the Paper, they admitted that the same was signed by Mr. *Ram* the Petitioner, and thereupon said Paper was read, and is as follows ; (to wit,)

S I R,



" S I R,

" I Require that you attend the Scrutiny on the present Electi-  
 " on for a Knight of the Shire to represent the County of  
 " *Wexford* at this present Parliament in *Dublin*, during the Con-  
 " tinuance of the holding of the County Court for the same by  
 " the present Sheriff of the said County of *Wexford* by Virtue  
 " of his Majesty's Writ directed to him for the Election of such  
 " Knight of the Shire. Witness my Hand this 9th Day of  
 " *January* 1754.

*Andrew Ram.*

" To Mr. *Philip Devereux*  
 " of *Connor*.

And the Witness being asked for whom *Philip Devereux* voted, he sayd he voted for Mr. *Leigh* the Sitting Member. And further sayd, that Mr. *Ram* the Petitioner was in Court on *Monday* the 14th of *January* all the Time; while what was called the Scrutiny was going on; and that the Witness was employed to take the Poll for Mr. *Ram*, and attended at the same Time in order to take Notes, if necessary, of what passed. And that he believed Mr. *Francis Harvey* attended, but not as Agent for any body, as he believed, as *Harvey* declared the contrary, and that he acted as a Freeholder, but the Witness admitted that *Harvey* had voted for Mr. *Ram*. And further sayd, that Mr. *Harvey* as a Freeholder only, objected to *John Sheppard*, who had voted for Mr. *Leigh*, and who had refused to take the Freeholder's Oath. The Witness further sayd, he never understood that Mr. *Harvey* was Agent for the Petitioner Mr. *Ram*, but that he believed Mr. *Harvey* was now Agent to the Petitioner on his Petition, and that he believed Mr. *Harvey* might have sayd, that *Sheppard* ought not to be admitted, but could not say whether he did or did not. He further sayd, he believed *Harvey* sayd that he as a Freeholder objected to the Vote of *Robert Mills* who voted for Mr. *Leigh*, but that no Body on the Part of Mr. *Ram* objected to him.

The Witness being Cross-examined in respect to *Samuel Rou-son*, sayd, that he was objected to at the Election as a Minor. That he was one of the Twenty-Three rejected by the Sheriff, but the Sheriff assigned no Reason on the Scrutiny for rejecting him. But the Witness sayd, he believed *Rouson* was not then of  
 Age,



Age, and thereupon his Vote was given up by the Council for the Petitioner.

The Witness being cross-examined in respect to *Richard Jeffers*, sayd, he was objected to at the Election as a Minor.

And the Witness being Cross-examined in respect to *Nathaniel Taylor* sayd, he was rejected for Insufficiency of Freehold, and referred to his Affidavit, and desired it might be produced, which was accordingly done, and is as follows.

County of *Wexford*, } *Nathaniel Taylor* of *Waterford*, in the  
to wit. } County of *Waterford*, maketh Oath, that  
he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Tintrin* in the said County.

his  
*Nathaniel | Taylor*  
Mark.

Sworn before us at a General Quarter Sessions of the Peace held at *Wexford* in and for the said County the 14th Day of *July* 1752.

*Shapland Swiny*, Chairman.  
*J. Tottenham*.

Read truly by *John Brenan*.

The Witness being Cross-examined in respect to *William Williams* sayd, he was objected to as the Affidavit was signed by a Marksman, and it did not appear that it was read to him. And that Mr. *Grogan*, one of the Justices, sayd, it was read in open Court by one of the Clerks and allowed. And the Affidavit was produced and read, and is as follows,

County of *Wexford*, } *William Williams* of *Booly* in the Coun-  
to wit. } ty of *Wexford* maketh Oath, that he hath  
a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Booly* aforesaid in the County of *Wexford*.

his  
*William + Williams*  
Mark.

Sworn before us at a Sessions of the Peace held at *Wexford* in and for said County this 11th Day of *July* 1749.

*Henry Kenney*.  
*John Grogan*.

But the Witness sayd that no Affidavit was produced to shew that *Williams's* Affidavit was read to him.

The



The Witness being Cross-examined, in respect to *Edmund Widdop's* Affidavit, being signed as a Marksman, sayd, that *Edmund Widdop* sayd, he used to write his Name, until his Eyes grew bad, but that he had of late put his Mark, and that he was upwards of Eighty Years old.

The Witness being Cross-examined, in respect to *Thomas Williams*, sayd, that *Williams* sayd, he could write, but at the Time of his signing the Affidavit for his Registry he could not, as a Gun had burst in his Hand, which had disabled him; and that Mr. *Grogan*, a Justice of the Peace for the said County of *Wexford*, sayd, the Affidavit was signed by him as a Justice, and that it was read in open Court, or he would not have signed it.

The Council for the Petitioner, then informed the Committee, and admitted that Eight of the Twenty rejected by the Sheriff, on what he called the Scrutiny, were Marksmen, and that no mention was made in the Affidavits that they were read to them, but that they appeared to have been read in open Court at the Sessions.

The Witness being Cross-examined, in respect to *Henry Stewart*, sayd, he was objected to, as not being duly registred, having been registred, as of *Coolree*, though he lived in the County of *Kilkenny*, and that *Stewart* sayd, he had built a House at *Coolree*, and stock'd it with his own Cattle, and that he lived in the County of *Kilkenny*, at the Time he was registred. And the said *Stewart's* Affidavit was then produced, and read, and is as follows,

County of *Wexford*, }  
to Wit, } *Henry Stewart* of *Coolree*, in the County of *Wexford*, maketh Oath, that he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Coolree* in the County of *Wexford*.

*Henry Stewart*.

Sworn before us at a Quarter Sessions of the Peace, held at *Wexford*, in and for said County, this 11th Day of July, 1749.

*Henry Kenney,*  
*John Grogan.*

F

The



The Witness being Cross-examined, in respect to *William Carter*, sayd, he did not remember that any Objection was made to him, when he came to Poll.

And being Cross-examined, in respect to *Archibald Littell*, sayd, the Objection to him was, that he was not properly registred, for that he sayd, he lived at *Killedmond* Thirteen Years, but at the Time of his being registred, he and his Family lived at *Curraghduff*, and his Affidavit for Registry, was thereupon produced and read, and is as follows.

County of *Wexford*, } *Archibald Littell* of *Curraghduff*, maketh Oath, that he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Curraghduff*, in the County of *Wexford*.

*Archibald Littell.*

Sworn before us, at a Quarter Sessions held at *Wexford*, in and for the said County, pursuant to Adjournment, this 29th Day of *July*, 1748, in the County Court House.

*John Hatton,*  
*Robert Colyer,*  
*Cæ. Colclough.*

The Witness being Cross-examined, in respect to *Edward Sheal*, sayd, that he was objected to, as not being a registred Freeholder, and as being married to a Popish Wife. But the Witness sayd, he did not know it was objected to *Sheal*, that he did not live at *Moburry*, when his Affidavit was made, but that he believed *Sheal* sayd, he lived at *Ballyboggan*, when his Affidavit was made, and that *Sheal* sayd, he came from *Moburry* to be registred at *Wexford*. And the Affidavit made by him was then read, and is as follows,

County of *Wexford*, } *Edward Sheal* of *Moburry*, in the County of *Wexford*, maketh Oath, that he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Moburry*, in the County of *Wexford*.

*Edward Sheal.*

Sworn before us at a Sessions of the Peace, held at *Wexford*, in and for said County this 4th of *April*, 1750.

*John Nunn,*  
*Robert Colyer.*  
The



The Witness being Cross-examined in respect to *William Edwards*, sayd, that *William Edwards* was objected to, as not duly registred, as he was sayd to be of *Timony*, in the Affidavit, and had voted out of *Moburly*; and the Witness sayd, that *Edwards* voted out of *Moburly*, as part of *Timony*, and took the Freeholder's Oath accordingly. And the said *Edwards's* Affidavit was thereupon produced and read, and is as follows,

County of *Wexford*, } *William Edwards* of *Moburly*, in the  
to Wit, } said County, maketh Oath, that he hath  
a Freehold, of the clear yearly Value of  
Forty Shillings, lying and being at *Timmoony* aforesaid, in the said  
County.

*Will. Edwards.*

Sworn before us, at a general Quarter Sessions of the Peace held at *Wexford*, in and for said County, the 29th Day of *May*, 1751.

*Shapland Swiny,*  
*Hen. Milward.*

And it was thereupon observed by the Council for the Sitting Member, that the Word (*Moburly*) was first inserted in the said Affidavit, and appeared to be struck out, and the Word (*Timmoony*) interlined.

The Witness being Cross-examined, in respect to *Henry Reynart*, and that Matter being debated, the Petitioner's Council gave him up.

The Witness being Cross-examined, in respect to *Moses Mitchell*, sayd, the Objection to him, was his not being duly registred, his Name being *Mogue*, and not *Moses*. And that *Mitchell* sayd, he was sometimes called *Mogue*, and sometimes *Moses*, but that he called himself *Moses*, and wrote his Name so, and that *Moses* was the Name in his Lease, and he registred by that Name.

The Witness being Cross-examined, in respect to *Nicholas Horton*, sayd, he did not remember any Objection made to him.



him. That the Affidavit of his Registry, was produced to him, and he admitted it, and that he believed it might have been mentioned, that he was registred by a different Name from that by which he voted. And his Affidavit, by the desire of the Council for the Sitting Member, was thereupon read, and is as follows,

County of *Wexford*, } *Nicholas Hoton* of *Garrybrit*, in the  
to Wit, } County of *Wexford*, maketh Oath, that  
he hath a Freehold of the clear yearly  
Value of Forty Shillings, lying and being at *Garrybrit*, in the  
County of *Wexford*.

*Nicholas Hoton*.

Sworn before us, at a Quarter Sessions  
of the Peace, held at *Wexford*, in  
and for said County, this 4th Day of  
*October*, 1748.

*Nich. Loftus Hume*, Chairman,  
*John Nunn*,  
*Shapland Swiny*.

And it was observed by the Council for the Sitting Member, that in the Name of the Voter in the beginning of the Affidavit, the Letters (ugh) were struck out.

The Witnesses being Cross-examined, in respect to the Scrutiny, sayd, that he did not know or believe, that the Sheriff struck the Name of each Voter, rejected out of his Book, before he named another, but on the contrary the Sheriff read them so fast, that the Witnesses could not take them down. The Witness further sayd, he did not think it was looked upon, during the whole of the Poll. That there was to be a Scrutiny, let the Majority fall where it would, but that he believed it was understood so in the Beginning, but not after the Parties broke in upon the Agreement, from which time each Vote objected to, was scrutinized; and that he believed the Sheriff upon the whole Poll reserved but two or three Votes to the Scrutiny.

The Witnesses being Cross-examined, in respect to *John Sheppard*, sayd, he refused to take the Freeholder's Oath, though it was demanded by Mr. *Tench* and other Freeholders, that *Sheppard* should take it. And that the Sheriff refused to Postpone *Sheppard's* Vote, and being asked, whether he would Administer the Oath, he made no Answer, but caused the first  
Proclamation



Proclamation to be made. The Witness further sayd, he had taken a Note, that Mr. *Sheppard* was present when it was required he should take the Freeholder's Oath, and when he was objected to for insufficiency of Freehold, as he had sayd he had believed the Freehold was devised to his Wife for Life, Remainder to her first and other Sons, and that she was dead leaving two Sons. But that the Witness could not say, whether *Benjamin Foss* had polled or not, before *Sheppard* was called upon to take the Freeholder's Oath.

The Witness being Cross-examined in respect to *John Higginbotham*, sayd, he was objected to, and the Objection was, that he had no Freehold, his Lease not being executed; and that *Higginbotham* sayd it was wrote on the Back of the Lease, that his Landlord agreed to execute that Lease for the Lives therein mentioned, and that he signed the same; and that one of the Lives (*Henry Brownrig*) mentioned in his Landlord's Lease was then in being, and was one of the Lives in the Lease which he agreed to sign. And that it was mentioned in said Agreement, that he should enjoy the Lands in the mean time. And the Witness sayd he did not know that it appeared that *Higginbotham's* Agreement was conditional in case Mr. *Brownrig* should get a Lease from Lord *Powercourt*.

The Witness being Cross-examined in respect to *Richard Williams*, sayd that the Objection to *Richard Williams* was, that his Wife was of the Popish Religion, and his Children educated Papists, and that *Williams* sayd, his Wife had conformed, but produced no Evidence of it.

The Witness being Cross-examined in respect to *Patrick Sullivan*, sayd, the Objection to *Sullivan* was, that he was born of Popish Parents. That *Sullivan* sayd his Father was a Papist and his Mother a Protestant; that he was educated in a Charity School in the Protestant Religion. That he went there at the Age of Ten Years, and had been a Protestant ever since, but gave no Evidence of his receiving the Sacrament. And the Witness having been then examined again by the Council for the Petitioner, sayd, that he spoke to Mr. *Hatton*, who was concerned for the sitting Member, several Times, to desist from directing Mr. *John Gowan* (who was Agent for the sitting Member) to take down Things which had not passed. And that he believed *Gowan* took the Poll for the sitting Member.

G

And



And further sayd, that there was not any Doubt made but that the Persons who offered to vote for Mr. *Ram* the Petitioner, as registred Freeholders, were the same Persons who were registred. And that *Cadwalader Waddy*, Clerk of the Peace who attended with the Books and Affidavits, and appeared to the Witnes to act as an Agent for Mr. *Leigh*, was present and made no Objection of that Sort to the Voters for the Petitioner. And further sayd, that said *Cadwalader Waddy* voted for the sitting Member Mr. *Leigh*. And that when the Affidavit of *Horton* was produced to *Waddy*, he sayd he saw it sworn, but that he could not say he drew it.

The Witnes being again Cross-examined in respect to the Scrutiny, sayd, that the Agreement about the Scrutiny was not observed longer than till the Fourth Vote of Mr. *Ram*, or a little after, and from thence the Scrutiny went on with the Poll. And that the Sheriff would not declare how the Numbers stood on his Books, at the Close of the Poll. And being asked if the Sheriff was called upon by either of the Candidates, or by any of the Freeholders to go into a Scrutiny, he sayd, he believed that on the Fourteenth of *January* a Scrutiny was called for by Mr. *Maxwell*, and as it seemed to him, in Favour of Mr. *Leigh* the sitting Member ; but that the Poll ended the Twelfth of *January*, and that the Sheriff would not declare how the Numbers stood. And the Witnes being examined touching the Notes entered in his Poll-Book, sayd that all the Notes in his Book were of his own Writing, and were entered by him in Court at the times the several Particulars therein mentioned respectively happened ; and that no Addition or Alteration whatsoever was since made therein. The Witnes further sayd he had no Discourse with Mr. *Ram* about the Scrutiny between *Saturday* the Twelfth and *Monday* the Fourteenth of *January*, and that he attended on *Monday* with his Book, in order to be of Use if he could, on which Day Mr. *Charles Tottenham* demanded the Scrutiny. That some Witneses were examined on the Scrutiny on *Monday* in Support of the Objections made, but that no Witnes or other Person whatsoever was then sworn ; and that there was as nice and critical a Scrutiny through the whole Poll as could be ; but that no Person was sworn on what was called the Scrutiny. But Mr. *Maxwell* sayd he could produce Witneses. He further sayd, that the Petitioner had Three Clerks to take the Poll, and the sitting Member two, and that *Nicholas Gordon* was the Sheriff's Clerk, and that



that he believed the Numbers on the Books were compared every Night but the last, and that the Books agreed, and that he believed Seventy One polled the last Day, but that he did not recollect that the last Days polling was compared. He further sayd he believed that the comparing of the Books was only the Numbers and Names, and that he did not believe that any Person was sworn during the whole of the Poll, except such as took the Freeholder's Oath.

The Council for the Petitioner then informed the Committee, that they would go into Evidence in order to disqualify several Persons whose Votes had been received by the Sheriff for the Sitting Member, and for that Purpose produced *George Kavenagh*, Gent. who being examined sayd, That he attended at the last Election for Knight of the Shire for the County of *Wexford*, from the Beginning to the End of it, and took the Poll for Mr. *Ram* the Petitioner. And further sayd, that *Dominick Forde* appeared in Favour of Mr. *Leigh* the Sitting Member, and that an Objection was made to him that he was born of Popish Parents and had not conformed, and that *Forde* admitted he was born of Popish Parents, but sayd he had conformed. That a Certificate of his Conformity was thereupon demanded, but none produced, and yet his Vote was received for the Sitting Member.

The Witness further sayd, that *Edward Batterton* voted for the Sitting Member, that it was objected to him, that he was married to a Papist, and *Batterton* sayd she had been a Papist but had conformed, and that a Certificate of it was demanded, but none produced.

The Witness further sayd, that *Philip Devereux* voted for Mr. *Leigh* the Sitting Member, and that it was objected to *Devereux* that he was born of Popish Parents, which he confessed, but sayd he had conformed, but produced no Certificate or any written Evidence of his Conformity.

The Council for the Petitioner then sayd, they gave this in Evidence for no other Purpose but to shew the Partiality of the Sheriff.

The Witness further sayd, That *James Lamley* voted for Mr. *Leigh*, and that the Objection to his Vote was, that he claimed  
in



in Right of his Wife, who was formerly married to one *Batterton*. That the Lands were the Estate of *Cliff*, who demised to *Batterton*, the former Husband of *Lamley's* Wife. That the Voter only claimed under a Lease for Lives made to *Batterton*, and claimed no other Title but in Right of his Wife, but that he took the Freeholder's Oath.

The Witness further sayd, that *Samuel Whaley* voted for Mr. *Leigh*, and that *Whaley* sayd, when he was registred, he had a Lease for the Life of *Phæbe Weldon*, and offered himself as a Forty Shillings Freeholder, and sayd *Phæbe Weldon* was dead, and that she died the Twenty Eighth or Twenty Ninth of *August* preceding the Election, and that he then held the same Lands from the Reverend *Robert Hatton*. And that the Sheriff then asked him if he would swear to a Ten Pounds Freehold? to which *Whaley* replied, "Mr. Sheriff don't strain or stress me," but sayd his Lands would set for Ten Pounds; upon which the Sheriff desired the Book to be given him. That *Whaley* sayd he held the Lands for his own Life and the Life of another, but did not say how long he had been in Possession, or that it came to him after the Death of *Phæbe Weldon*. The Objection made to him was, that he claimed under a Lease made the *October* Twelve Months before by *Robert Hatton* of Lands which were at that time the Estate of *Phæbe Weldon*, and in Lease to the Voter for the Term of her Life only, and that *Phæbe Weldon* died the Twenty Eighth or Twenty Ninth of *August* then last past, and that he was not in Possession of the Freehold out of which he voted, three Months before the Vacancy, and that the Lives granted to the Voter by *Hatton* were not the same that were mentioned in Lord *Anglesey's* Lease to *Hatton*.

The Witness further sayd, That *Curtis Gamble* voted for Mr. *Leigh* the Sitting Member, and that he sayd his Freehold was a House and Garden in *Rofs*, and that his Lease was made to him the First of *October* then last, and that he was in Possession from the First or Second of *October* preceding the Election. And the Witness further sayd, that *Gamble* was objected to for want of Freehold, and on Account of undue Influence.

The Witness further sayd, That *William Clifford* voted for Mr. *Leigh* upon a Rent Charge of Forty Shillings a Year from



from his Father, and that *Clifford* sayd there was a matter of Account between him and his Father, which postponed the Payment of it until the Account could be settled. That he was then postponed, and was directed to bring the Account the next Morning; at which Time he attended, but Mr. *Maxwell* objected to his producing any Account; and the Sheriff thereupon sayd, he would swear the Voter, and take his Vote without Prejudice; but Mr. *Maxwell* objected to his being sworn in that manner. And the Witness further sayd, that *Clifford* stands on the Poll as a Voter for Mr. *Leigh* the Sitting Member.

The Witness further sayd, That *Euseby Robinson* voted for Mr. *Leigh* the Sitting Member, and that he sayd he was registered in One Thousand Seven Hundred and Forty Four, but that he could not find any Objection was made to him. On which the Council for the Sitting Member insisted, as there was not any Objection made to him, on the Election below, that no further Enquiry should be made in respect to him. And the Committee appearing to be of that Opinion, no further Questions were asked by the Petitioner's Council with respect to the said *Robinson*.

The Witness further sayd, That Mr. *Charles Tottenham* voted as a Representative for the Corporation of *Ross*, by Virtue of a Letter of Attorney from them. But the Sitting Member's Council waving his Vote, no further Enquiry was made in relation thereto.

The Witness further sayd, That *Anthony Leigh* voted for Mr. *Leigh* the Sitting Member. That *Anthony Leigh* sayd he was in Possession of his Freehold since *August*, One Thousand Seven Hundred and Fifty Three. That he did not surrender his Lease for Years till *August* One Thousand Seven Hundred and Fifty Three. The Sheriff desired him to take the Freeholder's Oath, and he would receive his Vote; and that he was accordingly sworn, and his Vote received.

The Witness further sayd, That *William Porter* voted for Mr. *Leigh*, and that *Porter* said several times he voted out of *Feathard*, having been often asked out of what Place he voted; but that from the Registry his Freehold appeared to be *Ramstown*, and not *Feathard*. And further said, that *Porter* offered himself



as a Forty Shillings Freeholder, and that he afterwards, in taking the Freeholder's Oath, swore his Freehold was at *Ramstown*.

The Witness further sayd, That *Robert Mills* voted for Mr. *Leigh* the Sitting Member, and that *Mills* sayd the Nature of his Freehold was by a Grant from Sir *John Ivery* of *Rofs*, issuing out of Lands and Tenements for a School-master to be nominated by the Corporation, and sayd the Grant was made to Trustees as well as to the Corporation, and that he was appointed by a Writing from Three Persons who had a Power to appoint him, and that the said Persons had Power to remove the School-master upon just and lawful Causes; and that there was a Master in before him who is still alive, and did not assign to the Voter. And that he did not know whether the former Master had resigned by Deed or not, but that his Nomination was in *June*, One Thousand Seven Hundred and Fifty, and that he admitted he could be turned out for Misbehaviour, and on just and lawful Cause. The Witness further sayd, that the said *Robert Mills* was objected to for want of Freehold, for that he claimed a Freehold as Master of the Free-school of *New Rofs*, to which he was nominated, and at the same time admitted he might be turned out for just and reasonable Cause by the Nominators. The Witness further sayd, that *Mills* declared he had a Nomination in Writing, but that it was not mentioned therein to be for Life, and if what he so described was a Freehold he would swear to it; but having stopped or hesitated about taking the Freeholder's Oath, Doctor *Clarke*, Council to the Sheriff, sayd, that he had a good Freehold; and that he told him as Council to the Sheriff that he had a good Freehold. Which was repeated by the Doctor Three several times. And the Sheriff also declared, that the said *Mills* had a good Freehold; whereupon he took the Freeholder's Oath.

And then the Chairman, by Order of the Committee, left the Chair, and no further Proceedings were had before the Committee on the said Eighteenth Day of *November*.

But pursuant to the last mentioned Order made by the House as aforesaid, the Committee met again on *Wednesday* the Nineteenth Day of *November* instant, and proceeded in the further Hearing of the merits of the said Election. And the said *George Kavenagh*



*Kavenagh* having been again produced as a Witness on Behalf of the Petitioner, and having been farther examined, sayd, That *Thomas Ruckley* voted for the Sitting Member, and was objected to for that he was not in Possession of the Freehold out of which he voted above Three Months. He further sayd, that *Ruckley* acknowledged his Lease was executed Three Months before, and that it was for Two Lives which were mentioned in his Father's Lease.

The Witness further sayd, That *Nicholas Roe* voted for the Sitting Member, and was objected to for that he was not registred since the Execution of his last Lease out of which he voted. And further sayd, that *Roe* declared he paid Eight Pounds Sixteen Shillings *per Annum* for his Freehold, and that his Lease commenced a Year from *Michaelmas* then last, and that he voted as a Forty Shillings Freeholder, and that his first Lease was made by *Benjamin Stephens*, which he registred in One Thousand Seven Hundred and Forty Eight, and that his last Lease out of which he voted was made by *Edward Stephens*. The Witness further sayd, that the Registry was thereupon searched, but no Registry appeared save only that in One Thousand Seven Hundred and Forty Eight, but that the Sheriff however received *Roe's* Vote, and gave him the Freeholder's Oath at the Request of Mr. *Maxwell*.

The Witness further sayd, That *John Hinton* voted for the Sitting Member, and that it was objected to him that the Affidavit of Registry was dated the Fifth of *October*, and the Date of his Registry in the Clerk's Book was the Fourth of *October*. And that *John Magrath* voted for the Sitting Member, and that the like Objection was made to him as was made to *John Hinton*. And that *William Budd* voted for the Sitting Member. That the Objection to *Budd* was, that the Registry of his Freehold was the Fourth and the Date of his Affidavit the Day after. And that *Joshua Mitchley* voted for the Sitting Member, and that the same Objection was made to *Mitchley* that was made to *Budd*. And the Witness further said, that *Jack Hatton* voted for the Sitting Member, and was objected to for that the Affidavit of his Registry was signed by one Justice only, and that the Date of his Registry was a Day earlier than the Date of his Affidavit. And it was mentioned and agreed



agreed by Council on both sides that the Sessions began the Fourth of *October*, and that the Affidavits were made the Fifth, and that the Clerk of the Peace entered the Registry as of the First Day of the Sessions for Conformity. And it was admitted by the sitting Member's Council, that *Hatton's* Affidavit was signed by the Chairman of the Sessions only; and the Petitioner's Council admitted that the Affidavit of *William Bolton* who voted for the Petitioner, was also signed by the Chairman of the Sessions only.

The Witness further sayd, that *William Duffin* voted for the sitting Member, and was objected to as not duly registred. That *Duffin* voted out of *Ralph*, and that his registred Freehold was *Rath*. And that *Duffin* sayd, his Freehold was *Ralph* and not *Rath*, and that he never heard it called *Rath*. *Duffin* was further objected to for that he was married to a Papist.

The Witness further sayd, that *Richard Smith* voted for the sitting Member, and was objected to as not being properly registred. That he sayd he voted as of *Monesuta*, and that he lived at *Ballyduff* when he was registred; and that it appeared that the Place of his Abode in the Affidavit on which he was registred, was said to be *Monesuta*. And that *Smith* was then asked if he could swear to a Ten Pounds Freehold, in Answer to which he could not; and that he was then postponed by the Sheriff, but having been produced a second time, that the Sheriff sayd he had talked to Doctor *Clarke*, and that he satisfied him that *Smith's* and *Slator's* Cases differed. And the Sheriff then addressed himself to the Petitioner and his Friends, and told them if they would run into Disorder he would break up. The Witness further sayd, that *Smith* was produced a third Time, and the Sheriff thereupon sayd, the *Voter's* Case and *Slator's* were not similar, and that he was of Opinion to receive *Smith's* Vote, and that there was an Objection made to *Smith's* being sworn, and that in taking the Oath he swore the Place of his Abode to be *Ballyduff*. The Witness further sayd, that *Slator* offered his Vote for the Petitioner, and was rejected as not being duly registred, as he sayd he lived in *Dublin*, and in the Affidavit his Abode was mentioned to be *St. Leonard's*, and his Freehold *St. Leonard's*. That the Affidavit was produced to *Slator*, and he offered to swear he it, but upon the Objection, his Vote was rejected.

The



The Witness further sayd, that *Robert Legett* voted for the fitting Member and was objected to as not duly registred, for that he was registred as of *Monalister* only, and that he was produced as a Forty Shillings Freeholder, and voted out of *Mount-Alexander* and *Monalister*.

The Witness further sayd, that *Richard Eustace* voted for the fitting Member, and was objected to, for that he was registred before the Lease out of which he polled was executed. That *Eustace* sayd, his Lease was for three Lives or Forty One Years, and that he voted as a Forty Shillings Freeholder. And the Witness being Cross-examined, sayd, he could not find any other Objection to *Eustace*, but that *Eustace* sayd, his Lease was executed Two Years and a Half ago, and that the Date of the Registry appeared to be the Fourth of *October* One Thousand Seven Hundred and Forty Eight. And that Mr. *Colclough* desired the Voter might be postponed until he looked into his Lease as he was uncertain of the Date ; but that the Sheriff sayd, he would accept *Eustace's* Vote, and did receive it accordingly.

The Witness further sayd, that *William Goodison*, Junior, voted for the fitting Member, and was objected to by Mr. *Carew*, for that the Freehold out of which he voted was assigned to him by his Father, within a Fortnight before. That the Voter thereupon sayd, he was married *Saturday* was Eight Days before, on which Day his Father assigned the Lease to him, out of which he voted. And that the Name of the Land was *Garryduff* ; and that as well as the Witness could remember *Goodison* sayd, the Freehold was assigned to him in Consideration of Marriage.

The Witness further sayd, that *William Goodison* the Father, voted for the fitting Member out of the same Lands, and was objected to for that he had assigned his Lease to his Son a Fortnight before, and that his Son was in Possession and voted out of the same Lands on that Election ; And that *Goodison* the Father sayd, his Son was to allow him Twelve Pounds a Year, but the Lands were not chargeable with it ; and that the Freehold which he had assigned was worth Thirty Pounds a Year. And that the Sheriff received *Goodison* the Father's Vote out of the same Lands.

I

And



And the Council for the Petitioner thereupon insisted before the Committee that *Goodison* the Father's Vote ought to have been rejected by the Sheriff.

The Witness further sayd, that *John Vavasor* voted for the Sitting Member, and was objected to for want of Freehold. And that *Vavasor* sayd, old Mr. *Radford* left his Wife Three Hundred Pounds as a Charge on the Estate of *Bride's-well*, and that he received the Interest from *Bostock Radford*, and that the Three Hundred Pounds was settled on his Marriage, and that it was not in Mr. *Radford's* Power to pay it off. And that the Sheriff's Clerk desired he would declare his Poll, which he accordingly did, and that it was received for the Sitting Member. And that Mr. *Ram* desired *Vavasor* to attend the Scrutiny, which he refused to do.

The Witness further sayd, that *John Batterton* voted for the Sitting Member, and was objected to for Insufficiency of Freehold and want of Title, and that the Estate out of which he voted was his Mother's, and that his Mother was living and in Possession, and that he did not claim by any Grant or Conveyance from her. And that *Batterton* was asked whether the Estate was the Freehold of his Father or of his Mother; in Answer to which he sayd he could not tell, or form any Judgment about it.

The Witness further sayd, that *Thomas Leigh* voted for the Sitting Member, and was objected to for that he was ejected for Non-payment of Rent at the Suit of one *Hughes* a Minor, and that a Lease was made of the Lands to another Person who was in Possession. And that *Thomas Leigh* acknowledged he was turned out of his Freehold by an *Habere facias Possessionem*, which was executed, and that there was a Lease made by *Howling*, the Guardian of *Hughes* to another. But that he sayd he had another Freehold called *Ballywalterbegg*, as a Mortgagee in Possession, and that he paid *Taylor* the Mortgagor Ten Pounds a Year, and that the Mortgage is for Three Hundred Pounds, at Six *per Cent.* and that it was not a Mortgage for Years. And that the said *Leigh* took the Freeholder's Oath, and swore his Freehold to be at *Ballywalterbegg*.

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The Witness further sayd, that *Thomas Taylor* voted for the fitting Member, and was objected to, for that he was not in Possession of any Part of the Freehold out of which he voted, which was *Ballywalterbegg*, but that *Thomas Leigh* was in Possession of the whole, and received the whole Rents. And that *Thomas Taylor* sayd, his Lands were in Mortgage to *Thomas Leigh* who was in Possession and gave Receipts for the Rents; and that he the said *Thomas Taylor* gave Receipts to *Thomas Leigh* for what he received from him.

The Council for the Petitioner then said they would proceed to disqualify Three Persons under particular Circumstances, and under undue Influence, who had voted for the fitting Member, (to wit) *William Coombs*, *Henry Perry*, and *William White*. And the said *George Kavanagh* being examined thereto, further sayd, that the Objection to *Coombs* was for Insufficiency of Freehold, and undue Influence. And that *Henry Perry* was objected to, for not having a Lease or Freehold, and for being under undue Influence. And that *Perry* said he was Huntsman to Lord *Anglesey*, and had a Lease of Twenty Acres of Ground for his own Life. And that Mr. *James White*, Agent to Lord *Anglesey* had his Lease, and that Mr. *White* was present, and sayd he had *Perry's* Lease, but would not give it to him. The Witness further sayd, that *William White* voted for the fitting Member, and that he was objected to as not having a Lease of the Lands for which he was registered to qualify him to vote at that Election, for that as soon as he was registered he gave up his Lease to Mr. *White*, Lord *Anglesey's* Agent, That the Lease was not in his Possession, and that at the Time he registered the Freehold was insufficient in Value, and that he was unduly influenced. He further sayd, that *William White* declared he had a Lease of Eight Acres from Lord *Anglesey*, at Four Pounds a Year, and that Mr. *James White* was Lord *Anglesey's* Agent, and had his Lease, and that the Voter had it not since it was registred, and that he demanded his Lease, from Mr. *White*, since he was registred but could not get it, and that Lord *Anglesey* had signed his Lease, but that the Counterpart was not executed, and that Mr. *White* kept the Lease for him.

The Witness, *George Kavanagh* was then Cross-examined by the Sitting Member's Council, and on his Cross Examination, sayd,



sayd, The Election was far advanced when Mr. *Ram* desired *Vavasor* to attend the Scrutiny, and that he believed it was on the Ninth of *January*, *Vavasor* was so directed by the Petitioner.

The Witness being Cross-examined in respect to *Dominick Forde*, sayd, That *Forde* produced no Certificate of his Conformity. The Witness sayd he knew Mr. *Morrison*, who he believed was Agent on the Election for the Petitioner, and that *Morrison*, did not admit that *Forde* had duly conformed, and is certain *Morrison* did not. But that he did not recollect that any Body desired *Forde* might take the Freeholder's Oath.

And the Witness being Cross-examined in respect to *Edward Batterton*, sayd, that he could not recollect that any Person admitted that *Batterton's* Wife was a Protestant when he married her.

And the Witness being Cross-examined in respect to *Philip Devereux*, sayd, that *Devereux* sayd, he had read his Recantation at Thirteen, and professed the Popish Religion at Twelve. And that he took the Farm of *Duncannon* before he read his Recantation; but that *Devereux* did not say he was a Papist after the Age of Twelve, neither did he mention that he was not a Papist after the Age of Twelve Years.

The Witness being Cross-examined in respect to *James Lamley*, sayd that *Lamley* did not mention that he was in Possession of the Freehold out of which he Voted, but sayd he claimed it in right of his Wife, but did not say how long he had claimed it, but the Witness sayd he believed *Lamley* was in Possession as he took the Freeholder's Oath.

The Witness being Cross-examined in respect to *Samuel Whaley* sayd, that *Whaley* voted as a Ten Pounds Freeholder, but first offered himself as a Forty Shillings Freeholder, and that he did not mention when his Lease commenced or how long he had been in Possession, but sayd that the Lease from *Hatton* to him was made the *October* Twelve Months before.

The Witness being Cross-examined in respect to *Thomas Ruckly* sayd that *Ruckly* voted as a Ten Pounds Freeholder, and took



took the Oath as a Ten Pounds Freeholder. And that *Curtis Gamble* also voted as a Ten Pounds Freeholder, and took the Freeholders Oath as a Ten Pounds Freeholder.

The Witness being Cross-examined in respect to *William Clifford*, sayd that *Clifford* sayd he received the Forty Shillings a Year Rent Charge in Account between his Father and him.

The Witness being Cross-examined in respect to *Anthony Leigh*, sayd that *Leigh* voted as a Ten Pounds Freeholder, and took the Freeholder's Oath as such. And being Cross-examined in respect to *Willam Porter* sayd, that *Porter* voted out of *Ramstown*. And the Witness being Cross-examined in respect to *Robert Mills* sayd, he had not seen *Mills's* Nomination, but believed it was during good Behaviour, and that he believed *Mills* was intitled to the School Lands during good Behaviour. The Witness being Cross-examined in respect to *Nicholas Roe*, sayd, that *Roe* sayd his first Lease was made by *Benjamin Stephens*, which he registred in One Thousand Seven Hundred and Forty Eight, but that the Witness did not recollect that *Roe* produced his first Lease uncanceled either on the Poll or Scrutiny, and further sayd that he had no recollection that it did or did not appear that a Life in the old Lease was in being, and that it did not appear to the best of the Witness's Knowledge that the new Lease was only an Additional Term to the old Lease. And the Witness being Cross-examined in respect to *William Duffil*, sayd, that *Duffil* did not say his Farm was sometimes called *Ralph* and sometimes *Rath*, but sayd the direct contrary, and that it never was called *Rath*. And the Witness further sayd, that to the best of his Knowledge and Remembrance, *Duffil* in repeating the Oath, did not say his Freehold was at *Ralph* otherwise *Rath*. And the Witness being Cross-examined in respect to *Robert Legett*, sayd, that *Legett* did not say his Freehold was sometimes called *Mount-Alexander* and sometimes *Monalister*, but that *Legett* voted as of *Mount-Alexander* and *Monalister*.

The Witness being Cross-examined in respect to *Richard Eustace*, sayd, That *Eustace* did not, (that the Witness could recollect) say his Lease was executed before he registered it.



The Witness being Cross-examined in respect to *William Goodison*, Senior, sayd, That *Goodison*, Senior, sayd, the Lands were not chargeable with the Twelve Pounds a Year, and that *Goodison*, Senior, took the Freeholder's Oath, but the Witness could not say whether as a Rent Charger or as a Freeholder in the Ordinary Way.

The Witness being Cross-examined in respect to *John Vavasor*, sayd he believed *Bestock Radford*, who paid *Vavasor* the Interest of the Thre Hundred Pounds, was owner of the Estate of *Brideswell*, and that he believed *Vavasor* might have received the Interest for several Years, but could not say when he married, and that he believed *Vavasor* took the Oath as a Rent-Charger.

The Witness being Cross-examined, in respect to *John Batterton*, sayd, he did not recollect that *Batterton* sayd, he was nine Years in Possession. The Witness further sayd, he took the Notes on the Poll as well as he was able on both Sides, and that *Batterton* on the Election sayd, he was in Possession, and took the Freeholder's Oath, and that it appeared his Father was then dead.

The Witness being Cross-examined, in respect to *Thomas Leigh*, sayd, that *Leigh* sayd, he paid Ten Pounds a Year to the Mortgager.

The Witness being Cross-examined, in respect to *Thomas Taylor*, sayd, he believed that *Thomas Taylor* sayd, *Thomas Leigh* paid him Ten Pounds a Year, out of the Mortgaged Lands.

The Witness being Cross-examined, in respect to *William Coombs*, sayd, he could not recollect that *Coombs* sayd, he was in Possession of the Lands demised, or that he had Four Pounds a Year profit, or that there were several Houses built on the two Acres.

The Witness being Cross-examined, in respect to *Henry Perry*, sayd, he believed *Perry* sayd, he was in Possession, but did not recollect that *Perry* sayd, he gave his Lease to *James White* to keep as a Person he had Confidence in.

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The Witness being Cross-examined in respect to *William White* sayd, he believed *White* sayd he was in Possession, but that he could not recollect that *White* sayd he was in Possession from the Time of the Execution of his Lease.

The Witness further sayd, he attended the Mock-Scrutiny as Agent for the Petitioner, in order to take down Notes of what passed, and that he believed Mr. *Maxwell* sayd he had Witnesses to prove the Objections made to the Voters, but that no Witness was examined upon Oath during the Election or Scrutiny, and that he did not recollect that any Person objected to the Sheriff's administering an Oath to prove the Facts, and that no Objections were allowed by the Parties objected to, that in respect to *Richard Jeffers* who was objected to as being under Age, he sayd he believed Mr. *Maxwell* called upon one *Rogers*, who sayd he believed *Jeffers* was Eighteen or Nineteen, and that the Reputation of the Country was, that *Jeffers* was not of Age; He further sayd, that no Declaration was made of the Numbers on one Side or the other, though the Sheriff was often called to for that Purpose; that the Witness did attend at the Beginning, and during the whole of the Election; that at the Beginning he thought a Scrutiny would be gone into as soon as the Election was over, but that he afterwards imagined the Scrutiny was broke through or waived, and that so early as from the Evening of the First Day. The Witness further sayd, he had attended several Elections, and never saw so strict a Scrutiny as there was during the whole Poll, and that even Deeds were produced to make out Titles; and the Witness being again asked if any Witnesses were examined on Oath, he made Answer, that there were not any, and that the Validity of the Objections was not allowed by the Parties against whom they were made, and that there was no Declaration of the Numbers till after what was called the Scrutiny. The Witness being further examined sayd, he attended at the Beginning of the Poll, and that the Sheriff and Candidates came into Court together, and that it was mentioned that there was to be a Scrutiny after the Poll, and the Witness understood so, but that he believed the Scrutiny was broke in upon when the Fourth of the Petitioner's Voters came to poll, and that Objections were not only made but examined into and scrutinized, but that he believed the Sheriff in two or three Instances reserved the Consideration of Votes to the Scrutiny, and that Mr. *Ram*, the Petitioner, on the Ninth of *January* desired *Vavafor* to attend the Scrutiny



Scrutiny, and that the Witness never heard of any Summons having been given to attend the Scrutiny until Yesterday, and that the Witness attended on *Monday* the Fourteenth of *January*, in order to take an Account of every thing that passed until the Member should be declared, and that no Person who voted for Mr. *Ram* entered into the Scrutiny. He further sayd, that Mr. *Harvey* declared, that he as a Freeholder appeared there, and mentioned that Mr. *Sheppard* had not taken the Freeholder's Oath, and that thereupon the Sheriff sayd, if he allowed *Sheppard's* Vote it would not give him Content. The Witness further sayd, that Mr. *Harvey* read an Act of the Fifth of *George* the Second, Section Eleven, to support the Objection made to *Robert Mills*, and that Mr. *Harvey* did not act as Agent for the Petitioner below upon the Election, but was now Agent for the Petitioner at the Bar. The Witness further sayd, he believed if the Majority had been for the Sitting Member the last Day of the Poll, that the Agents for the Petitioner would have demanded a Scrutiny. The Witness further sayd, that when the Scrutiny was demanded, Sir *Arthur Gore* desired the Sheriff to declare the Numbers on his Book, and so did Mr. *Ram* the Petitioner, and that the Witness understood if the Numbers were not declared that the Petitioner would not join in a Scrutiny. And the Witness being again ask'd why he attended on *Monday* the Fourteenth of *January*, made Answer that he attended on that Day to observe the Behaviour of the Sheriff, and to take Notes of what passed, but not in order to join in the Scrutiny; and further sayd that the Sheriff never declared what he meant to do, and that the Witness was totally ignorant of his Intentions. He further sayd, that on the next Day the Sheriff read the List to fast, that the Witness could not take down the Names of the Persons rejected by him, and that there was not any Determination made on *Monday* upon the Scrutiny directly or indirectly. He further sayd, that there was not a strict Scrutiny as to *Vava-sor* at the Time of his polling. The Sheriff's Clerk having desired him to give his Vote before the Examination was gone through, he further sayd, that they frequently stopped proceeding in their Objections on the Part of Mr. *Ram* the Petitioner, in order to keep the Sheriff in Humour, as the Sitting Member polled the first Ten, and they were afraid the Sheriff would close the Books upon them. He further sayd, that the Scrutiny was demanded by Mr. *Maxwell* and Mr. *Charles Tottenham* the Younger after the Poll was ended, and that the Sheriff was then desired



desired by Sir *Arthur Gore* to declare the Numbers on the Poll Books, but that the Sheriff gave no Answer, but immediately adjourned the Court. He further sayd, that on *Monday* the Fourteenth of *January*, Sir *Arthur Gore*, the Petitioner, and others, told the Sheriff they would not go into a Scrutiny, until the Numbers were declared, but would then go into a Scrutiny, and desired the Sheriff to take Notice that they did not consider what was then doing, as a Scrutiny, and that on *Tuesday* the Fifteenth of *January*, the Sheriff was called upon to give his Reasons for rejecting the Twenty Three who had voted for Mr. *Ram*, the Petitioner, which he refused to do, or to give a List of them, or to read them distinctly, but hastily declared your Sitting Member duly elected, and adjourned the Court. The Witness being further examined, sayd, that he believed the List was not drawn in Court, for that the Sheriff brought it in with him, and that after Mr. *Leigh* was so declared, a Scrutiny was demanded for the Petitioner; in answer to which the Sheriff sayd he had a Scrutiny the Day before, and call'd out *Cryer*, *adjourn the Court*. The Witness further sayd, Doctor *Clarke* did not attend in Court on *Tuesday* the last Day, and that *Robert Mills* did not produce any Deed of Nomination.

And then the Chairman, by order of the Committee left the Chair, and no further Proceedings were had before the Committee, on the said Nineteenth Day of *November*.

But pursuant to the aforesaid last mentioned Order made by the House, the Committee met again, on *Thursday* the Twentieth of *November*, Instant, and proceeded in the further Hearing of the Merits of the said Election. And *William Coombs* was then produced as a Witness, in behalf of the Petitioner, who being examined, sayd, he voted for the Sitting Member, out of about two Acres of Land, for which he paid Forty Shillings a Year Rent. Sayd, he had not a Lease, but was to have one, and that Lord *Anglesey* promised to give him the Lease. The Witness further sayd, he was desired by Lord *Anglesey*, to go and vote at the Election for the Sitting Member, and that he told his Lordship, he would not go until he got his Lease; on which his Lordship fell into a Passion, and turned him out of the House. The Witness further sayd, that when he was going home, his Lordship sent his Lordship's Brother-in-Law, *Cornelius*



*lius Donovan* after him, to bring him back, and that he told *Donovan*, he would not go back, but that *Donovan* persuaded him to go back, which he accordingly did ; and when he went back his Lordship seemed to be in good Humour, and made him sit down ; and sayd, the Witness need not dispute his Lease, for that he should have it ; and his Lordship then forgave him a Year's Rent. The Witness further sayd, that by his Agreement, he was to have the grasing of a Collop, besides the two Acres of Land for the Forty Shillings a Year, but that he did not get the grasing of the Collop, and that the grasing was to have been upon a Farm of His Lordship's, called *Miles-hope*, but that he was hindred from grasing there. That he sent a Horse to graze there, and the Horse was put into Pound, and he did not send him again. He further sayd, Lord *Anglesey* told him when he returned with *Donovan*, that he should have the grasing of the Collop also. And that the Lease was first promised to him by Lord *Anglesey*, a Year and Half before the Election. And that he got Possession of the Land a Year and Half before the Election. That it was above a Twelve-month after he got Possession, that his Horse was impounded. He further sayd, that His Lordship told him, he should have the grasing and every thing in his Lease fulfilled, and should have the Lease when he went to the Election, and that Mr. *White* should have it there ready for him : But that His Lordship sayd, nothing more of the grasing for the Time past, but that he forgave him a Year's Rent. He further sayd, Lord *Anglesey* by his Agreement, was to build a House for him on the two Acres, and to lay out ten Guineas upon it ; and that the Shell of the House was built before the Election, and no more had been since done to it. He further sayd, that the full Value of the Land, without the House or grasing, was Forty Shillings a Year, and that the two Acres would set to a solvent Tenant, at about Forty Shillings a Year. He further sayd, that Lord *Anglesey* promised to abate him a Year's Rent, if he would go and vote for the Sitting Member ; and that he went to *Wexford* during the Election, and applied to Mr. *James White*, his Lordship's Agent for his Lease, and told *White* he would not vote until he got it ; upon which Mr. *White* sayd, he need not fear having his Lease, and gave him his Hand and Word, that he would give it to him, when he came to his Office at *Camolin* ; but that the Witness on that Promise, refused to vote, and told *White* he would not venture to perjure himself, or swear, until he got his Lease ; whereupon *White* sayd, the Witness need not dispute his Word, for that he never broke



broke it, and *White* then called other People to Witness his promising to give the Witness his Lease, when he came to *Camolin*. The Witness further sayd, that by *White's* Persuasions, he agreed to vote, and did vote accordingly for the Sitting Member, and that he polled the next Day after he went to *Wexford*, but that he had not yet got his Lease. He further sayd, he demanded it at the Office from *White*, soon after the Election, but *White* sayd, he had not then Time to give it to him. The Witness being then asked, whether he was at any Time turned out of Possession, made answer, that he was not turned out, until last Summer; at which Time the said Mr. *Donovan* took the Lock off the Door of the House, and left the Garden and little Meadow in a Common, to the Street, and that *Donovan* had since made a Stable of the House, and put Horses into it. That it was the House Lord *Anglesey* built the Shell of, and which was not finished, of which *Donovan* made a Stable; and that the Witness did not go near it since, as they had destroyed the Garden, Potatoes and Grass, and made it a Common for all the Cattle and Pigs of the Town. The Witness further sayd, he saw the Lease before the Election, when he was desired to go and register it; but never saw it before that Time or since; and that it was Lord *Anglesey* who desired him to go and register it at *Wexford*. And that the Witness asked his Lordship, if he should then get his Lease, to which his Lordship sayd, Mr. *White* would meet them at *Wexford*, and give all the Tenants their Leases there. He further sayd, that Mr. *White* met them at *Wexford*, and the Witness demanded his Lease there from *White*, who sayd, he had but one Part of the Leases drawn, and that they should all have them when he went back to the Office at *Camolin*. And the Witness sayd, there were a great many other Tenants registred at the same Time that he was registred, and that some others of the Tenants also demanded their Leases from *White*, but did not get them at that Time. And the Witness being asked if he could recollect the Names of any of the other Tenants who had demanded their Leases, he sayd he recollected that *William White*, *John Myres*, and *Henry Perry* had, and that they all voted for the Sitting Member. And being asked who *Henry Perry* was, the Witness sayd, *Henry Perry* was Huntsman to Lord *Anglesey*; and the Witness sayd, he was not sure of any more, who demanded their Leases. And the Witness being asked if he had had his Lease, which of the Candidates he would have voted for, made answer, he would have



have voted for Mr. *Ram*, if he had been at his own Election.

The Witnesses being Cross-examined by the Council for the Sitting Member, sayd the Two Acres lie at *Camolin* over-against the Office, and that some of the Roof of the House was put on before the Election, and Part after. And that in *July*, One Thousand Seven Hundred and Fifty Two, the Two Acres without the House and Grazing were not worth Four Pounds a Year. A Paper importing to be an Affidavit, and signed *William Coombs*, was then produced to the Witnesses, and he admitted the Name *William Coombs* to be his Hand-writing, and that he had sworn the said Affidavit; and the same was then read and is as follows,

County Wexford. } *William Coombs*, of *Camolin* in the said  
County, maketh Oath, That he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Camolin* in said County.

*William Coombs*. Sworn before us at a General Quarter-Sessions of the Peace held at *Wexford* the Fourteenth Day of *July*, One Thousand Seven Hundred and Fifty Two.

*Shapland Swiny*, Chairman.  
*Geo. Nixon*.  
*Bostocke Radford*.

And the Witnesses also sayd, that upon the Election he took the Freeholder's Oath, and swore his Freehold at *Camolin*, and that it was worth Forty Shillings a Year clear Profit. The Witnesses further sayd, that he believed the Agreement for building of the House and for grazing of the Collop was in his Lease. And further, that he was besides to have Forty Shillings a Year allowed him by Lord *Anglesey*, and that he was not to pay any Rent until the House was built. And that the House was to have been built on the Two Acres at *Camolin*, and that he had never payd any Rent nor would he pay any until his Bargain was made good. The Witnesses further sayd, he was a Shoemaker by Trade, that he took the Place as expecting Employment there, as it is a Place where such a Trade may be carried on, and it was with that Intent he took it, in Expectation of his Lordship's Work, which his Lordship promised him. That he did not



not read his Lease through before he registred. That he read Two or Three Lines of it, and it was taken from him as he said he had a mind to put it into his Pocket. That he saw Lord *Anglesey's* Hand to it; but that the Lease was never read to him. He further sayd, that he made his Bargain with Lord *Anglesey* himself in the manner before-mentioned; and that *James White*, the known Agent of Lord *Anglesey*, attended the Registry; but the Witness sayd, he asked *White* no Questions about the Contents of the Lease, because Lord *Anglesey* had so often told him, and that in the Presence of others, the Terms of the Agreement. He further sayd, that Lord *Anglesey* lent him Ten Guineas to buy Leather before the Election, but that he could not justly tell the certain Time. And the Witness further sayd, that at the Time of registering he understood the Lease contained the Whole of his Agreement with Lord *Anglesey*, and understood so all along. He further sayd, he believed it was Mr. *Waddy* who drew the Affidavit of his Registry, but that he could not tell who gave Directions for drawing it, but that the Witness did not. And that Lord *Anglesey* paid for the Registry, and that he believed the Sessions were held in *July*, One Thousand Seven Hundred and Fifty Two, and that he then read the Affidavit. And being asked if he had a Freehold before, he made Answer that he had, and that he could swear the said Affidavit honestly if his Bargain was made good to him.

And here the Council for the Petitioner closed their Examination of Witnesses, and rested the Petitioner's Case for the present.

And then the Council for Your worthy Sitting Member stated his Case, and mentioned, That the Votes claimed by the Petitioner were Four Hundred and Twenty Nine, that Seventeen of them were rejected during the Poll, and that Seven of the Seventeen admitted they were originally of the Popish Religion, and had not produced Certificates of their Conformity; and one Question in the Case was, Whether they had a Right to vote? That Four of the Seventeen were married to Popish Wives, and that Three of them admitted it; and that they would shew that the Wife of the Fourth continues still a Papist. And further alleged that Three of the Seventeen wanted Freehold, and that the remaining Three were defective in their Registry, which would reduce the Petitioner's Number to Four Hundred and

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Twelve.



Twelve. And further mentioned, that there was an Agreement made the First Day to reserve doubtful Votes to the Scrutiny, and that every such Vote was reserved accordingly ; and that the Objections reserved were Points not comprehended in the Freeholder's Oath. They further stated, That of the Twenty Three who voted for the Petitioner, and were rejected by the Sheriff upon the Scrutiny, Three were given up by his Council as Minors. That One of the Twenty Three was married to a Popish Wife, and another of the Twenty Three not a Protestant ; and that Fifteen of the Twenty Three were not duly or properly registred, and mentioned the several Defects in the registering of them. And the Council further mentioned, That One other of the Twenty Three voted by the Name of *Moses Mitchel*, though his real Name was *Mogue*, and that another of them, named *Richard Jeffers*, was a Minor under Twenty One Years of Age, and that another named *John Higginbotham* had no Freehold ; and that by rejecting the said Twenty Three Votes, the Petitioner's Number upon the Poll would be reduced to Three Hundred and Eighty Nine, which would give the Sitting Member a Majority of Seven. The Council further mentioned, that as Evidence of the Sheriff's Partiality in favour of Mr. *Ram* the Petitioner, that the Sheriff, in prejudice to the Sitting Member, received and allowed Thirteen for the Petitioner who had no Right to vote, Three of which were Papists, and One an Alien and born of a Popish Mother, One married to a Popish Wife, One had no Freehold, and Six took the Freeholder's Oath and voted as Ten Pounds Freeholders, though not one of their Freeholds was worth Five Shillings a Year, and One defective in the Registry ; which being deducted would reduce the Petitioner's Number to Three Hundred and Seventy Six ; and as the Sitting Member's Number at the Conclusion of the Scrutiny was allowed by the Sheriff to be Three Hundred and Ninety Six, the Sitting Member would then have a Majority of Twenty. The Council further said, they acquiesced in rejecting Mr. *Tottenham's* Vote, as acting by a Letter of Attorney for the Corporation of *Ross*, but would shew that *Benjamin Tackaberry* had a Right to vote, tho' rejected by the Sheriff ; and that *John Sheppard*, Esq; rejected by the Sheriff, was in Possession of a good Estate, which would increase the Sitting Member's Majority, and make it Twenty Two, and they would afterwards go into the Consideration of the Objections made to Twenty Six of the Three Hundred and Ninety Six who had voted for the Sitting Member, and shew they



they were not well founded, and in order to prove the Sitting Member's Case, they then produced as a Witness on behalf of the Sitting Member.

*Nicholas Gordon, Gent.* who being examined sayd, that he was employed as Clerk to take the Poll for the Sheriff, and that he took an Oath to take the Poll impartially between the Candidates, but could not say who swore him, he further sayd, that the Morning the Election began, the Candidates and several of their Friends met in the Sheriff's Chamber, and came to an Agreement about the Manner of conducting the Poll, which he entered in his Poll-Book in his own Hand-writing, and he then read the same out of his Poll-Book, and it appeared to be as follows :

“ Agreed by the Candidates that Ten and Ten shall be the  
 “ Number polled on each Side, the Hours of Polling from  
 “ Ten in the Morning 'till Four, the Scrutiny after the Ge-  
 “ neral Poll is over, the Numbers to be equal each Night  
 “ 'till the last of the Election, Mr. *Leigh* to have the Petty  
 “ Jury Room and Box and that Side of the Court, and Mr.  
 “ *Ram* the Grand Jury Room and Box, and the other Side  
 “ of the Court, Mr. *Leigh* to Poll the First Ten.”

The Witness further sayd, he believed Sir *Arthur Gore* was the Person who recommended the Scrutiny should be after the General Poll, and that he apprehended Sir *Arthur* spoke it as a Friend to Mr. *Ram*, for whom he afterwards voted, and that no Objection was then made against Entering into that Agreement, and that he attended the Sheriff, when he went into Court, and he was desired to read the Agreement, which he accordingly did to the End, as he apprehended that it might be made a Rule of Court. The Witness further sayd, that to his Thinking there was not any Waiver of the Agreement by either of the Candidates during the Time of carrying on the Poll, neither did he hear any Body during the Poll say it was waived ; he further sayd, that there were several Objections made during the Poll which were reserved to the Scrutiny, but that he spoke this on recollection only, for that he had not looked into his Book since the Election, and therefore could not say what Numbers objected to were so reserved, and being then desired  
 to



to look into his Book, sayd, he had found Six, and had gone but to number Four Hundred, he further sayd, that it was not particularly mentioned in his Poll-Book, that the Voters objected to were reserved to the Scrutiny ; but wherever it was entered in his Book that they were sworn without *Prejudice*. It was understood they were reserved to the Scrutiny, and being desired to look into his Book he named *John Higginbotham*, *Moses Mitchell*, and *John Porter*, who all voted for Mr. *Ram* the Petitioner as so sworn, but his Entry as to *Samuel Roufon* who he sayd voted for Mr. *Ram* was that the Sheriff sayd he would consider it, and that the Witness believed he meant on the Scrutiny, he further sayd, that *Nathaniel Taylor* who voted for Mr. *Ram* the Petitioner, *Nicholas Roe* who voted for your worthy Sitting Member, and *Edward Sheal*, *Patrick Synnott*, and *John Atkinson*, who all voted for Mr. *Ram* the Petitioner, were sworn without *Prejudice*, and that his Entry as to *John Sheppard*, Esq; was in these Words, (*This to be considered*,) which the Witness believed was to be on the Scrutiny, and that he was not sworn but voted for the Sitting Member, he further sayd, that *William Williams*, *Henry Stewart*, *Archibald Littell*, *Edward Widdop*, *James Baily*, *Henry Reynart*, *Nathaniel Watson*, were all sworn without *Prejudice*, and voted for the Petitioner, and that *John Inman* was sworn without *Prejudice*, and voted for the Sitting Member. That *John Tharp*, *William Baily* the Younger, *Henry Williams*, were sworn without *Prejudice*, and voted for the Petitioner. *William Duffin* was sworn without *Prejudice* and voted for the Sitting Member. That *John Hornock* and *Nicholas Horton* were sworn without *Prejudice*, and voted for the Petitioner. That *Dilman Dice*, *Benjamin Tackaberry*, *Philip Devereux* were sworn without *Prejudice*, and voted for the Sitting Member. That *John Edmunds* and *Thomas Williams* were sworn without *Prejudice* and voted for the Petitioner. That *Richard Smith* who offered to Poll for the Sitting Member was postponed for further Consideration, but was not sworn, and that *Richard Bennet* was sworn without *Prejudice* and voted for the Sitting Member, and that *Patrick Sullivan*, *William Edwards*, *John Pounden* were sworn without *Prejudice* and voted for the Petitioner. And that *Abraham Hough*, *Richard Smith*, *William Clifford* were sworn without *Prejudice* and voted for the Sitting Member ; and that *Timothy Foxton* was sworn without *Prejudice* and voted for the Petitioner ; and that *Jack Hatton* was sworn without *Prejudice* and voted for the Sitting Member ; and that  
*William*



*William Jacob and Michael Lacy* were sworn *without Prejudice*, and voted for the Petitioner. The Witness further sayd, that he could not find any more who were objected to in his Book, but could not say but he might have overlooked some. He further sayd, that the Entry of being sworn *without Prejudice* was read aloud when it was made, and that he believed that Manner of Swearing the Voters was objected to by Mr. *Maxwell*, and could not say but it might have been objected to by others. And further sayd, that the last Person sworn *without Prejudice*, was on the last Day of the Election. And that there was nothing done in his Presence or Hearing, to shew a Waiver of the Scrutiny, that he could remember. And that no Proposal was made by any Body to waive the Scrutiny; and that he believed it could not have been mentioned publicly, without his taking Notice of it.

The Witness being examined in respect to *Joseph Copeland*, sayd, that *Copeland* was objected to as not having a Freehold, and that he was not polled. That both the Candidates afterward desired *Copeland* might be sworn, and that the Sheriff consented to tender the Oath, but that the Voter disappeared, and being immediately thrice called did not answer. And the Witness sayd, he apprehended it was before any other Voter was called, and that he made the Entry in his Book at the Time as a true Transaction.

The Witness being examined in respect to *Robert Percival*, sayd, That *Percival* was objected to as not duly registred, for that he confessed he lived at *Arkavin*, when he was registred, and that the Registry was as of *Castleton*. And that *Percival* then offered to Poll as a Ten Pounds Freeholder, but that Mr. *Maxwell* being insulted by the Voter for asking him a Question, Mr. *Maxwell* and several other Gentlemen quitted the Court. And that *Percival* was rejected, for that it appeared to the Sheriff by his own Confession, that he had not a sufficient Freehold. The Witness further sayd, he had no Note or Entry in his Book of any Body's consenting to waive *Percival's* Vote, but that he remembred Mr. *Colclough* desired the Man to go out of Court, and that he should not be polled.

The Witness being examined in respect to *John Goodall*, sayd, That *Goodall* was objected to as married to a Papist, and post-



poned until he produced legal Evidence of his Wife's Conformity. The Witness further declared, he could not say, that *John Goodall* sayd his Wife was a Papist, but he sayd, that *John Goodall* produced a Certificate of his and his Wife's having received the Sacrament, but no other Certificate.

And then the Chairman by order of the Committee left the Chair; and no further Proceedings were had before the Committee on the said Twentieth Day of *November*.

But pursuant to the aforesaid Order made by the House, the Committee met again on *Friday* the Twenty First of *November* Instant, and proceeded in the further Hearing of the Merits of the said Election. And the said *Nicholas Gordon* having been again produced by the Council for the Sitting Member, and further examined, sayd, that *William Wheeler* was objected to, as being married to a Papist, and was asked by the Court, if he would affirm he was not married to a Papist, to which he sayd he did not know she was a Papist, but would not affirm she was not.

The Witness further sayd, that *Thomas White* was objected to, and that *White* declared he was married, and that his Wife was a Papist until the Age of Fourteen, but had conformed within the Two Years before, but that *White* did not say how long he had been married, but was rejected for want of legal Proof of his Wife's Conformity.

The Witness further sayd, that *Peter Doran*, *Matthew Redmond* and *Daniel Graham* were objected to, for that they were born of Popish Parents, and continued Papists till after the Age of Twelve, which they admitted, but sayd, that they had conformed, and that they produced no other Certificates of their Conformity, but the Bishop's, and were for that Reason rejected.

The Witness being examined in respect to *Stephen Cavanagh*, sayd, he did not find on his Book any Objection entered to *Cavanagh*, but that it thereby appeared, that *Cavanagh* was rejected for want of proper Evidence of his Conformity.

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The Witness further sayd, that no Objection appeared entered against *John Devereux*, but that *Devereux* was rejected, for that he sayd he had conformed, and did not produce proper Evidence of his Conformity.

The Witness further sayd, that *Nicholas Howlett* was objected to as having confessed he was a Papist since the Age of Twelve, and was postponed as he did not produce legal Proof, though he said he had conformed.

The Witness farther sayd, that there was no Mention in his Poll-Book of any Objection made to *Matthew Kierevan*, but that it was therein entered, that *Kierevan* sayd, he went to Mass, since the Age of Twelve, and that he conformed in One Thousand Seven Hundred and Thirty Five, but that *Kierevan* did not produce legal Evidence of his Conformity, and was postponed until he produced such Evidence, and on his declining to be postponed he was rejected.

Then the Council for the Sitting Member sayd, they would proceed to the Objections about the Registry, and for that Purpose, *Nicholas Gordon* the Witness, being examined, sayd, that he could not find any Objection entered in his Poll-Book to *Thomas Duffin*, but that he found he was rejected, because he said, he was not registred within Fifteen Years, and that he tendered his Vote as a Forty Shillings Freeholder.

The Council for the Sitting Member were then stopped from going into any further Examination in respect to *Duffin* in Regard no Objection was made to him below, as it was a Rule formerly laid down by the Committee, in the Case of *Euseby Robinson*.

The Witness further sayd, that *Matthew Slator* was objected to as not duly registred, and that he voted as a Forty Shillings Freeholder, that *Slator* sayd he lived in *Dublin*, and that his Tenant lived at St. *Leonard's* when he (*Slator*) was registred, and that none of *Slator's* Family lived there at that Time, and that *Slator* was rejected for not being registred, pursuant to the Statute.

The



The Witness further sayd, that he did not find any Objection was made to *William Jewel Edwards*, but that *Edwards* was rejected for want of proper Registry.

And then the Council were stopped from proceeding in any further Evidence in respect to *William Jewel Edwards*, as he was not objected to below.

The Witness further sayd, that *Edward Lewis* was objected to, for that he sayd he gave a Bill of Sale of his Lease about a Year before, to *Thomas Hill*, since the Registry of it, and that *Hill* was in Possession, and that the Voter on such Bargain reserved Four Pounds Nine Shillings a Year, and that the original Rent was above Ten Pounds. The Witness further sayd, that *Lewis* was thereupon postponed, and that he could not recollect any thing of *Hill's* handing over the Lease.

The Witness further sayd, that he did not find that *John Doyle* was objected to, and that he had no Entry in Respect to him, but that he was postponed, and being asked if *Doyle* did not admit his want of Freehold, the Witness sayd he could not find any thing admitted by him as to that Point, but it appeared from his Poll-Book, that *Doyle* was rejected for want of Freehold.

The Council for the Sitting Member then proceeded to shew upon what Objections Twenty of the Twenty Three who voted for the Petitioner were rejected by the Sheriff, and for that Purpose, the said *Nicholas Gordon* being examined, sayd, that *Richard Williams* was objected to for educating his Children in the Popish Religion. And further sayd, that *Williams* admitted his Wife had been a Papist, but that she conformed since before Mr. *Hamilton*, and that he was sworn *without Prejudice*, and was rejected on the Scrutiny, and that the Reason entered in his Book was, that no legal Evidence of his Wife's Conformity had been produced.

The Witness further sayd, that *Patrick Sullivan* was objected to as born of Popish Parents, and as not having conformed, he further sayd, that *Sullivan* sayd he was a Protestant from the  
Age



Age of Ten, and that he was sworn *without Prejudice*, and that on the Scrutiny, Mr. *Maxwell* called upon those concerned for the Petitioner to shew that *Sullivan* had received the Sacrament, but no Evidence having been given of it, that *Sullivan* was rejected on the Scrutiny, but the Witness sayd he did not know that *Sullivan* admitted or denyed that his Parents were of the Popish Religion.

The Witness further sayd, that *Nathaniel Taylor* was objected to as not duly Registred, for that it appeared by the Affidavit, that he sayd he was of *Waterford*, in the County of *Waterford*, and had a Freehold in said County, and was therefore rejected on the Scrutiny, and his Affidavit, at the Desire of the Council for the Sitting Member was then read, and is as follows,

County of *Wexford*, } *Nathaniel Taylor* of *Waterford*, in the  
to wit. } County of *Waterford*, maketh Oath, that  
he hath a Freehold of the clear yearly Value of Forty Shillings, lying and being at *Tintrin* in the said County.

his  
*Nathaniel Taylor*  
Mark.

Sworn before us at a General Quarter Sessions of the Peace held at *Wexford* in and for the said County the 14th Day of *July* 1752.

*Shapland Swiny*, Chairman.  
*J. Tottenham*.

Read truly by *John Brennan*.

The Witness further sayd, That *Edward Sheal* was objected to as not registred, and as being married to a Papist, but that he could not find that any thing was admitted by *Sheal* at the Time of Polling, and that he was sworn *without Prejudice*, but that on the Scrutiny, Mr. *Maxwell*, to support the Objection produced the Registry, and mentioned that as *Sheal* said he lived at *Mobur-ry* at the Time of the Registry, and as *Sheal's* Place of Abode as mentioned in the Affidavit and Registry was at *Ballyboggan*, that *Sheal* was therefore rejected on the Scrutiny, and *Sheal's* Affidavit, at the Request of the Council for the Sitting Member, was read, by which it appeared that *Sheal* stiled himself of *Mobur-ry*, and not of *Ballyboggan*, and the Affidavit is as follows,



County of *Wexford*, } *Edward Sheal* of *Moburry* in the Coun-  
to wit. } ty of *Wexford* maketh Oath, that he hath  
a Freehold of the clear yearly Value of  
Forty Shillings, lying and being at *Moburry* in the County of  
*Wexford*.

*Edward Sheal.*

Sworn before us at a Sessions of the Peace  
held at *Wexford*, in and for said Coun-  
ty this Fourth of *April* 1750.

*John Nunn.*

*Robert Colyer.*

The Witness further sayd, that *Henry Stewart* was objected  
to as not duly registred, and that *Stewart* declared he lived in  
the County of *Kilkenny* when he was registred, and his Affidavit  
at the Desire of the Council for the Sitting Member was read,  
and is as follows,

County of *Wexford*, } *Henry Stewart* of *Coolree* in the Coun-  
to wit. } ty of *Wexford* maketh Oath, that he hath  
a Freehold of the clear yearly Value of  
Forty Shillings, lying and being at *Coolree* in the County of  
*Wexford*.

*Henry Stewart.*

Sworn before us at a Quarter Sessions of  
the Peace held at *Wexford*, in and for  
said County, this Eleventh Day of *July*  
1749.

*Henry Kenney.*

*John Grogan.*

The Witness further sayd, That *Archibald Littell* was object-  
ed to as not registred according to Law, and that *Littell* sayd he  
had lived for Thirteen Years past at *Killedmond*, and no where  
else, and that Mr. *Carew* insisted that *Littell* was duly registred;  
for that *Littell* had afterwards sayd he and part of his Family  
lived at *Curraghduff* at the Time of the Registry, but the Wit-  
ness sayd he could not take upon himself to say whether *Littell*  
did or did not say so, but that *Littell* was sworn *without Preju-  
dice*, and afterwards rejected upon the Scrutiny, and *Littell's*  
Affidavit was at the Request of the Council for the Sitting Mem-  
ber then read, wherein *Littell* is stiled of *Curraghduff*.

The



The Witness being further examined sayd, he could not find any Objection entered in respect to *William Carter*, but that he found an Observation entered, that *Carter* sayd he lived at *Moburry* when registred, and that *Carter* was rejected on the Scrutiny, but as no Objection was made to *Carter* below, no further Examination was had in respect to him.

The Witness further sayd, that *William Edwards* was objected to as not being registred and not having a Freehold, and the Witness being ask'd if *Edwards* admitted that he had not a Freehold, made answer, that he did not know, and that he could find no Entry of *Edwards's* having admitted any thing about it, that *Edwards* polled out of *Moburry* Part of *Timmoony*, and the Affidavit of *Edwards* was (at the Desire of the Council for the Sitting Member) read, and is as follows.

County of *Wexford*, } *William Edwards* of *Moburry*, in the  
to wit. } said County, maketh Oath, that he hath  
a Freehold, of the clear yearly Value of  
Forty Shillings, lying and being at *Timmoony* aforesaid, in the said  
County.

*Will. Edwards.*

Sworn before us, at a general Quarter Sessions of the Peace held at *Wexford*, in and for said County, the 29th Day of *May*, 1751.

*Shapland Swiney.*  
*Hen. Milward.*

And the Council for the Sitting Member observed, that it appeared a Stroke was drawn thro' the Word *Moburry* in the said Affidavit, and that over it the Word *Timmoony* was interlined.

The Witness further sayd, That *Thomas Williams* was objected to as not registred, for that he appeared to be a Marksman and the Affidavit not read to him, and the Witness being asked if *Williams* admitted he could write, sayd he found no Entry of it, and did not know that *Williams* admitted he could write, and the Witness being asked how it appeared to the Court that the Affidavit was not read to *Williams*, sayd, he believed it was from inspecting the Affidavit, and from no other Evidence, and the



the Affidavit was then read at the Desire of the Council for the Sitting Member, and it was mentioned by them that nothing appeared on the Affidavit to shew it was read to *Williams*, and the Witness further sayd, that *Williams* was rejected on the Scrutiny. The Witness further sayd, that *Edmund Widdop* was objected to in the same manner as *William Williams* was objected to, and that the Objection to *William Williams* was that the Affidavit was not read to him before he swore it, and that he appeared to be a Marksman.

The Witness further sayd, he found by an Entry in his Poll Book, that *Edmund Widdop* was sworn without *Prejudice*, and that Mr. *Maxwell* insisted that *Widdop* ought to be rejected, for that it appeared, the Affidavit was not duly sworn, and the Witness further sayd, that *Widdop* sayd, he usually wrote his Name, until within two Years before, and that he had no other Entry about *Widdop*, and could not positively say that *Widdop* was rejected on the Scrutiny, *Widdop's* Affidavit was (at the Desire of the Council for the Sitting Member then read) and thereby it appeared, that *Widdop* signed it as a Marksman, and that it was dated the Eleventh of *July*, One Thousand Seven Hundred and Forty Nine, and nothing appeared on the Affidavit, to shew it had been read to him, and the Affidavit of *William Williams*, and which was signed by him as a Marksman, was (at the desire of the Council for the Sitting Member) also read, and nothing appeared on the Affidavit to shew it had been read to him.

The Witness further sayd, that *James Bayly* was objected to, as not duly registred, and that he was sworn without *Prejudice*, and that on the Scrutiny, Mr. *Maxwell* shewed by the Affidavit of Registry, the same Proof as he had done with respect to *William Williams*, Number Three Hundred and Twenty Nine, and that *Bayly* was rejected on the Scrutiny. The Council for the Sitting Member sayd, which was admitted by the Council for the Petitioner) that *John Tharp*, *William Bayly*, Junior, *Henry Williams*, and *John Horneck*, were also Marksmen, and that it did not appear on their several Affidavits, that they had been read to them.

The Witness further sayd, that *Moses Mitchell* was objected to, as not being duly registred, and that Mr. *Carew* insisted *Mitchell* was duly registred, the Witness further sayd, that  
*Moses*



*Moses Mitch* declared on his Oath, that he was sometimes called *Moses* and *James* ——— *Mogue*, and that he was registered last April Twelve Months, and that he was sworn without Prejudice, and that on the Scrutiny, he was objected to, and Mr. *Maxwell* insisted his Name was *Mogue*, which is *Idanus*, and offered Proof thereof, and insisted there was no Notice to the Candidate, as intended by the Statute, and that *Mitchell* was thereupon postponed, and afterwards rejected, and the Witness being then asked, if it was not insisted upon by some of Mr. *Ram's* Friends, that the Sheriff could not Administer an Oath, to prove the Disqualifications of any of the Voters. The Witness sayd, that from his Memory (but that he could not be sure of it) it was insisted on by some of Mr. *Ram's* Friends, that the Sheriff could not Administer an Oath, but that the Witness could not say that it was insisted upon, in the particular Instance of *Mitchell*.

The Witness further sayd that *John Higginbotham* was objected to as not having a Freehold, and that *Higginbotham* admitted his Lease was not Signed by his Landlord, but sayd there was an Article on the back of it signed by his Landlord, by which his Landlord promised to perfect the said Lease as soon as Lord *Powerscourt* perfected one to him of the Premises, and that *Higginbotham* sayd that by the said Agreement he was to enjoy the Lands pursuant to the Covenant in the said Lease, and that Mr. *John Browrigg* his Landlord has one Life in being in his Lease, and that *Higginbotham's* vote was reserved to be considered on the Scrutiny, and that he was sworn without Prejudice, and that *Higginbotham's* vote was objected to on the Scrutiny, for that from his own Confession he had not a Freehold and was therefore rejected.

The Witness further sayd, that *Richard Jeffers* was objected to, as under Age, and for want of Freehold, and that on the Scrutiny Mr. *Maxwell* offered Proof of the Nonage by a Person in Court, but the Witness sayd he did not find any proof was given thereof, but that *Jeffers* was notwithstanding rejected. The Council for the sitting Member then sayd they would in the next Place give Evidence to disqualify the votes of Thirteen received by the Sheriff for the Petitioner, and for that Purpose also examined the said *Nicholas Gordon* who sayd that *Thomas Rath* was objected to as a Papist and as married to a Papist, and that *Joseph*



*Rath* was objected to as being a Papist and married to a Papist, and that *Charles Breen* was objected to as born of Popish Parents, and as being a Papist, and the Witness being asked sayd he did not know whether *Breen* sayd he was or was not born of Popish Parents, but that Mr. *Maxwell* on the Scrutiny offered Evidence to support the Objections against the said *Thomas Rath*, *Joseph Rath* and *Charles Breen*, but that the Witness could not tell whether any Body opposed going into the Evidence or not, and that he did not believe that any Evidence was given.

The Witness further sayd that it was objected to *John Pounden*, that he had admitted he was born of Popish Parents, and had not conformed, but the Witness declared he could not positively say that *Pounden* admitted he was born of Popish Parents, but that he believed he did from the Note he had taken of the Objection made to him.

The Witness further sayd, that *Robert Hughes* was objected to for want of Freehold, the Person he derived under not being qualified to grant one, and that he did not find any other Objection to *Hughes*.

The Witness further sayd, that *Thomas Clarke* was objected to for want of Freehold, and that he held the Lands by which he voted by Lease for Years, and that he declared since the Commencement of the Election that his Freehold was not worth Ten Pounds a Year. That on the Scrutiny Mr. *Loftus* offered Evidence to support the Objection, but no Evidence was given. And the Witness further sayd, he believed the Sheriff was of Opinion not to go into the Proof, and did not go into the Proof, and for that Reason the Evidence was not given; and that as well as the Witness could recollect, there had been an Objection made to going into the Proof, but that he could not tell by whom; he further sayd, that several Offers were made to give Evidence in several Instances to disqualify Voters who had voted for the Petitioner, and that the Sheriff refused to receive the Evidence in every such Instance, but that he could not say who opposed the Sheriff's receiving such Evidence.

The Witness further sayd, that the Objection made to *John Ramsey* senior was, that he had not a sufficient Freehold, and that he had assigned his Lease to another Person, and that he had  
not



not been in possession since the time of his Registry, and that he was a Papist and unduly influenced, and that on the Scrutiny Mr. *Maxwell* supported the Objection by offering Proof.

The Witness further sayd, that the like Objection was made to *John Ramsey* the younger, and that on the Scrutiny Mr. *Maxwell* supported the Objection by offering Proof, and that the Father voted out of *Coolree*, and the Son out of *Coolree* Part of *Mo-hurry*.

The Witness further sayd, that *William Fortune* was objected to that he had not a Freehold of Ten Pounds yearly Value, and that he derived by Lease under *William Tackaberry*, and that there were not in his Lease the same Lives as in *William Tackaberry's* Lease, and that he was unduly influenced and corrupt. He further sayd, that *Fortune* voted out of *Ferns* as a Ten Pounds Freeholder, and that on the Scrutiny a Person was produced by Colonel *Loftus* who offered to prove that *Fortune* acknowledged he could not vote there unless he got Ten Pounds before the Election; but the Sheriff refused to go into the Evidence. And this the Witness sayd he spoke from his Memory, and not from his Notes.

The Witness further sayd, that *John Evelyn* voted out of *Ballytore* as a Ten Pounds Freeholder; that he was objected to for Insufficiency of Freehold, and that he claimed under Mr. *Rogers* who had only a Lease for Years of said Lands.

The Witness further sayd, that *Daniel Sunderland* voted as a Ten Pounds Freeholder out of *Magmore*, and that he was objected to as not having a Freehold of the Value of Ten Pounds a Year, and that he had lately declared his Land was too dear.

The Witness further sayd, that *Charles Eyres* voted as a Ten Pounds Freeholder, and that it was objected to him that his Freehold was not worth Ten Pounds a Year above all Charges.

The Witness further sayd, that *Richard Richards* voted as a Forty Shillings Freeholder, but that he did not find any Objection made to him, and that he did not know of any. And that *Richards* voted out of the Improprate Tithes of the Parish of *Island*.

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The Witness further sayd, that *Robert Burkett* voted as a Forty Shillings Freeholder, and the Objection made to him was, that the Freehold out of which he voted was in Trust for his Son *John*, and that he declared so on a former Election. And that on the Scrutiny it appeared, that the Voter was rejected on a former Election on the same Objection. He further sayd, that the Book of the former Election was every Day before the Sheriff, and that it appeared from thence.

The Witness further sayd, that *John Buckle* was objected to, and that the Objection was that he had not a Ten Pounds Freehold, and that he had declared within a few Days before that his Freehold was not worth Ten Pounds above all Charges. He further sayd, that *Buckle* was asked if he was not offered Money for his Freehold to induce him to vote, and that he did not make a direct Answer. And on the Scrutiny Mr. *Maxwell* observed, that he prevaricated when he was asked at the time of polling, if he was not offered Money to induce him to vote. The Witness further sayd, that *Buckle* voted out of *Creemore*, and was received for the Petitioner.

The Witness further sayd, that *William Crouder* voted for the Petitioner, and was objected to for Insufficiency of Freehold, and that no other Objection was made to him, and that he voted out of *Coolnegroose*.

The Witness further sayd, that *Thomas Bais* voted for the Petitioner out of *Oldtown of Tinneshinan* as a Ten Pounds Freeholder, and that he was objected to for not having a sufficient Freehold.

And then the Chairman by Order of the Committee left the Chair, and no further Proceedings were had before the Committee on the said Twenty First Day of November.

But pursuant to the aforesaid Order made by the House, the Committee met again on *Saturday* the Twenty Second Day of *November* instant, and proceeded in the further Hearing of the Merits of the said Election.

And



And the said *Nicholas Gordon* having been again produced and examined, sayd, that *Robert Legett* voted out of *Mount-Alexander*, otherwise *Monalistry*. That *William Goodison* senior was objected to, and that the Objection was, that he had assigned his Freehold (if any he had) to his Son on his Marriage about a Fortnight before, and that the Son had been in Possession ever since, and had voted out of it on that Election. He further sayd, that *Goodison* senior said the Freehold he had assigned was worth Thirty Pounds a Year, and that he excepted Twelve Pounds a Year during his Life when he assigned it.

The Witness further sayd, he found nothing else entered on his Book in respect to *William Goodison* senior, and that he could not take upon him to say whether *Goodison* senior sayd the Lands were or were not chargeable with the Twelve Pounds a Year.

The Witness further sayd, that he was present when the Sheriff declared the Majority after the Scrutiny, and that the Sheriff then sayd he had considered the Objections made on both Sides during the Poll, or to that Purpose. And the Sheriff then read the Names of those he rejected as distinctly as he could, and that the Names of those rejected on both Sides were read in the same manner. The Witness further sayd, he did not remember that any body called to the Sheriff to read the Names a second time, but there was so great Noise in the Court that it might have been so and the Witness not have heard it. The Witness further sayd, he never was applied to to shew who the Persons were who were rejected, and that if he had he would immediately have shewn them; and that he did not remember that any body applied to the Sheriff or to the Witness at the Close of the Poll to see the Book, except Sir *Arthur Gore*, and he shewed it to him; and that it appeared from the View of the Book how the Numbers stood on the Close of the Poll; and that the Sheriff sayd, he could not declare who had the Majority until the Scrutiny was over. And he further sayd, that all the Persons who voted for the Petitioner did not vote from the Side Bar.

And the said *Nicholas Gordon* being Cross-examined, sayd, He was sworn Clerk before the Sheriff in open Court; and he read the Oath out of his Book, and the Import of it was, That  
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he should equally and indifferently, and without Favour or Affection to either Party, and to the best of his Skill and Knowledge take the Poll on the Election above mentioned, in Writing, according to the Form of the Statutes in that Case made and provided. And in the Book it is sayd to have been sworn before the Sheriff in his County-Court the Thirty First Day of *December*, One Thousand Seven Hundred and Fifty Three, and is signed *Solomon Richards*. The Witness further sayd, he attended as the Sheriff's Clerk during the whole of the Poll and Scrutiny, and being asked if he had observed any Partiality in the Sheriff in Favour of the Petitioner, he made Answer, that he did not; And being further Cross-examined he sayd, That *Dominick Ford* voted for the Sitting Member, and that *Ford* was objected to, and that the Objection made to him was, that he had sayd he was born of Popish Parents, and had conformed, and had not produced a Certificate, but that *Ford* sayd, he had been a Protestant from Twelve Years of Age, and received the Sacrament of which he offered Proof, and was then postponed. He further sayd, That *Ford* was produced a second Time and polled on further Examination. And that on the Scrutiny Mr. *Maxwell* called on the Gentlemen on Mr. *Ram*'s Side to support the Objection, and applied to Mr. *Morrison*, Clerk to Mr. *Ram*, to say whether he saw Mr. *Ford* receive the Sacrament, to which Mr. *Morrison* sayd, he saw him go to the Communion Table, and that he believed he received the Sacrament, and had filed a Certificate of it. He further sayd, That *Ford* declared he had conformed, but that he did not produce any Certificate of his Conformity, and was notwithstanding admitted to poll for the Sitting Member.

The Witness further sayd, That *Edward Batterton* was objected to, and that the Objection was, that his Wife was a Papist before he married her, and that she conformed at the Age of Thirty, and that he had not produced a Certificate of her Conformity; but that *Batterton* sayd, she was a Protestant many Years before he married her, and had continued so ever since. And the Witness sayd, he could not tell or form a Belief whether *Batterton* sayd his Wife was not a Protestant at Fourteen or at Thirty Years of Age, but that *Batterton* did not produce any Certificate of his Wife's Conformity.

The Witness further sayd, That *Philip Devereux* voted for the Sitting Member, and that *Devereux* was objected to, and the



the Objection was, that he confessed he was born of Popish Parents and sayd, he had made his Recantation of which he did not produce a Certificate, but that *Devereux* sayd, he had been a Protestant from his Age of Eleven Years, and though he was advised to make a Recantation, he did not for that Reason think it necessary to produce a Certificate, and sayd, he had received the Sacrament and offered Proof thereof. The Witness further sayd, *Devereux* was sworn *without Prejudice*; and that on the Scrutiny no Person appearing to support the Objection, Mr. *Maxwell* offered Proof of *Devereux* having received the Sacrament, and that no other Entry appeared upon his Book in respect to *Devereux*. And the Witness being asked if *Devereux* did not say he had read his Recantation, he made Answer that *Devereux* did say so, but that he could not recollect that *Devereux* mentioned at what time, or that it was before he took the Farm of *Duncannon*. He further sayd, that no Evidence was given either on the Poll or Scrutiny of *Devereux's* having received the Sacrament, neither did *Devereux* produce any Certificate of his Conformity. And the Witness being then asked if he knew *Philip Devereux*, made Answer that he did, and that he had conversed with him several times since the Election, but that he could not say or form a Belief whether *Devereux* did or did not read his Recantation since the Election, having never heard any mention made of it.

The Witness further sayd, That *Lawrence Barry* voted for the Sitting Member, and that *Barry* was objected to as being a Papist and married to a Papist. And the Witness being then asked if he knew *Lawrence Barry*, sayd he did very well, and lived in the same House with him at *Loftus Hall*. And being asked if *Barry* had read his Recantation since the Election, he made Answer that he heard and believed he had.

The Witness further sayd that *Thomas White* offered to vote for the Petitioner and was rejected, but that the Witness had no Entry that *White* offered to take the Freeholder's Oath. He further sayd on being asked the Question that he remembered that the Sheriff sayd something to one of the Petitioners Voters about perjuring himself, but that he could not say whether it was to the said *Thomas White* or not.

The Witness further sayd that *Joseph Sparrow* offered to Vote for the Petitioner and was first postponed by Consent. And being



ing asked if he found any Entry in his Book that *Sparrow* desired to explain his Freehold, and that the Sheriff sayd he would not hear him, The Witness made Answer that he did not find any such Entry, and that he did not remember that any such transaction passed, but on the contrary believed the Sheriff was ready to hear any thing that could be reasonably offered on either side.

The Witness further sayd that *Joseph Copeland* offered to vote for the Petitioner but his Vote was not received. And further sayd he did not find any Entry, nor did he recollect that the Sheriff sayd to *Copeland* that he would not countenance Perjury.

The Council for the Petitioner then mentioned that they observed a Rasure in the Sheriff's Book, and the Witness upon being examined thereto sayd, he had made frequent Alterations in his Entries at the Desire of both Sides, and did it publicly. And he acknowledged he was applied to on the Part of the Petitioner several times during the Poll to read his Entries, which he accordingly did, and that he did not recollect he ever refused it.

The Witness further sayd that *William Wheeler* offered to Vote for the Petitioner and was rejected. And the Witness being asked sayd he did not know or remember when *Wheeler* sayd his Wife was a Protestant, that the Sheriff sayd he knew she was not.

The Witness further sayd he had no Entry of *Robert Mills* stopping or hesitating to take the Freeholder's Oath, but that he believed he did hesitate and say if what he declared was a Freehold he was ready to take the Oath, but that the Witness could not say whether the Sheriff or Doctor *Clarke* or any other sayd that *Mills* had a good Freehold.

The Witness further sayd that he did not find any Entry that *Samuel Whaley* made any Difficulty about taking the Freeholder's Oath. And that he did not remember that *Whaley* sayd, " Mr. Sheriff don't strain or stress me", or that such an Expression was made use of upon that or any other Occasion. He further sayd that such a Thing might have happened, but that he could not form any belief one way or other about it.

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The Witness further sayd, he could not recollect what Numbers were rejected of those who voted for the Petitioner. And that he did not remember that any Person was sworn as a Witness, from the Beginning to the End of the Poll. He further sayd, that the Poll ended on *Saturday* Night the Twelfth of *January*; and that the Sheriff was that Night repeatedly desired to tell the Numbers as they stood on the Poll, but that the Sheriff did not tell them. That the Sheriff was also requested to do so on the *Monday* after, but did not tell them. And that the Sheriff's Answer when so applied to, was, that he could not tell how the Majority was, until the Scrutiny. He further sayd, that the Numbers on the Poll Books on *Saturday* Night were, for the Sitting Member Three Hundred and Ninety Nine, and for the Petitioner Four Hundred and Twelve. And being again asked what the Sheriff was required to do, the Witness sayd, it was to tell the Numbers as they stood on his Poll Book. He further sayd, that on *Monday* Morning the Fourteenth of *January* he believed Mr. *Ram* and his Friends sayd, they would not go into a Scrutiny until the Sheriff told how the Numbers stood on the Poll; and that he believed Mr. *Carew* insisted upon it. And the Witness further sayd, he did not doubt but Sir *Arthur Gore* and Mr. *Colclough* sayd the same, but that he could not form a Belief about it; but that he believed they sayd they were ready to go into a Scrutiny if the Sheriff would declare the Numbers as they stood on the Poll. And the Witness sayd he did not know that the Sheriff ever declared how the Numbers stood on the Poll. And the Witness sayd he did not know that the Sheriff made use of the Words—*being so advised*—but further sayd, that the Sheriff refused to declare the Numbers until the Scrutiny was over.

The Witness further sayd, he could not recollect that an Act of Parliament was read on *Monday* the Fourteenth of *January*, but that he recollected an Act was read at the Instance of the Petitioner's Friends, though he could not say when particularly, but that he could not recollect that the Sheriff sayd thereupon, *he had been too diffident of his Powers*. But the Witness sayd he knew that the Sheriff was diffident, and had a very difficult Part to act. He further said that Mr. *Harvey*, one of Mr. *Ram* the Petitioner's Friends, asked some Questions on the Scrutiny, but that he could not say that either the Petitioner or Sir *Arthur Gore*, or Mr. *Carew*, or Mr. *Colclough* entered into the Scrutiny.

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He further sayd, that on the Scrutiny Twenty Three were rejected, on the Part of Mr. *Ram*, the Petitioner, and Three on the Part of your worthy Sitting Member. He further sayd, he did not remember whether any of the Three rejected on the Part of your Sitting Member, were or were not called upon on the Scrutiny. He further sayd, that the Twenty Three rejected on the Part of your Petitioner, were not rejected on *Monday*. And that there was not any Determination made on the Scrutiny on *Monday*, but that the Sheriff took time to consider. And that they were all rejected on *Tuesday*, but that no Objection was then mentioned or considered, nor any Thing more done but the Sheriff's declaring whom he had rejected, and who was elected. And the Witness being asked where and when the Sheriff determined to reject the Twenty Three, and who were then present, he made Answer, that the Sheriff settled in his Chamber whom he should reject; and that the Witness was present, and that Doctor *Clarke* was present in the Beginning, and that Mr. *Maxwell* was present, but not in the Beginning; and that he was sent for by the Sheriff, and that he did not remember any Body else was present upon that Business for any Part of the Time, and that he did not believe that Mr. *Ram* the Petitioner, or any of his Friends were present. He further sayd, that Mr. *Maxwell* was sent for because Doctor *Clarke* (who was the Sheriff's Council) had not attended the whole Election, and desired some Persons might be rejected, which the Sheriff and the Witness had Doubts about, at which Doctor *Clarke* was offended and went away, and the Sheriff thereupon sent for Mr. *Maxwell* to take his Advice, as a Lawyer, and that Mr. *Maxwell* as such only advised the Sheriff to act contrary to what Dr. *Clarke* had advised, which the Sheriff accordingly did. The Witness sayd, that the Sheriff and he knew Mr. *Carew* to be a Lawyer, and that he was then in Town, and also knew that Mr. *Tench* and Mr. *Hatton* were Lawyers, and that he believed Mr. *Tench* was in Town, but could not recollect whether Mr. *Hatton* was or not. And the Witness being asked, whether any Mention or Proposal was made to or by the Sheriff to bring in any other Lawyers, he sayd there was not; and being further asked, sayd, that the Names of the Twenty Three were brought into Court written on Paper, and had been written in the Sheriff's Chamber at the aforesaid Meeting, but that he believed the Lawyers were gone away before the Names were written. The Witness further sayd, he did not believe that the Agreement made before the  
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Poll began was waived ; and being asked if it was not Part of the Agreement, that Mr. *Leigh* should have the Petty-Jury-Room and Box on that Side the Court, and Mr. *Ram* the Grand-Jury-Room and Box on the other Side, and whether that Part of the Agreement was kept up during the Poll, he made Answer, that that Part of the Agreement was not kept up during the Poll, but was over-ruled by the Sheriff after some time ; and that Mr. *Ram* or his Friends objected to its being over-ruled, but that the Sheriff's Reason was, that he observed several Indecencies in the Gallery with regard to People prompting the Voters and telling them what they should say, and upon that the Sheriff ordered every body without Distinction to poll from below.

The Witness being examined in respect to the Agreement for holding a Scrutiny, sayd, he understood the Agreement to be, that there was to be a Scrutiny after the Poll, and not until after the Poll, and that he did not apprehend from any thing which had passed, that it was waived ; he further sayd he was sure there were some rejected on both Sides during the Poll, and that he could not find by any Entry in his Poll Book that any of the Persons who had offered to vote for the Petitioner, and were rejected during the Poll, were given up by the Petitioner.

The Witness being examined in respect to *Robert Percival*, sayd, he believed *Percival* was given up by Mr. *Colclough* the first Time he offered to vote and was rejected, and that his Entry is, that he was rejected, for that it appeared by his own Confession to the Sheriff, that he had not a Freehold ; but that he could not find that *Percival* offered himself a Second Time, and could not say whether *Percival* did or did not demand the Freeholder's Oath, but that he believed if he had that he should have entered it on his Book ; He further sayd, that on *Percival's* insulting Mr. *Maxwell*, Mr. *Leigh* and his Friends left the Court, and sayd they would come no more, and that Sir *Arthur Gore* and Mr. *Grogan* polled afterwards to make the Numbers even, and then, and not before, the Sheriff adjourned the Court, and the Witness sayd he was sure it was not the Day after the Insult that *Percival's* Vote was rejected. He further sayd, he did not remember, and could not form a Belief, that *Percival* begged Mr. *Maxwell's* Pardon in Court the next Day, and that he did not recollect any other Vote was waived, but *Percival's* in the



the manner before mentioned. And the Witness further sayd, he did not apprehend that the Agreement for the Scrutiny precluded the Sheriff from rejecting on the Poll any that appeared to him not to have a Right to vote, though they should insist on such Right. He further sayd, he did not remember that any Application was made to the Sheriff to give a Copy of the Twenty Three rejected, or to read them so distinctly that the Names might be taken down, but sayd, that the List might have been called for and the Witness not hear it, there being so great a Noise in Court. He further sayd, he remembered a Scrutiny was demanded for the Petitioner after the Sheriff declared a Majority for the Sitting Member. And the Witness being further examined in respect to the Obliterations, Rasures, and Interlineations in his Book, sayd, that every thing in his Book was entred in Court, except the Words *rejected on the Scrutiny*, affixed to the Names rejected by the Sheriff, and that those Words were inserted in the Sheriff's Chamber, and then part of the Poll Book was read, and is as follows.

“ Both Candidates, and several of the Freeholders who voted  
 “ for them respectively, having attended on the Scrutiny, pur-  
 “ suant to the Agreement of the Candidates, and the Sheriff  
 “ having heard them upon the Objections, declared that he re-  
 “ jected the Votes of Three Persons who offered to poll for  
 “ Mr. *Leigh*, and the Votes of Twenty Three Persons who  
 “ offered to poll for Mr. *Ram*, and refused the said several Per-  
 “ sons to be numbered in the Poll, and declared the Freeholders  
 “ who were duly polled for *Robert Leigh*, Esq; were Seven in  
 “ Number more than the Freeholders, who were admitted to the  
 “ Poll for *Andrew Ram*, Esq; and therefore declared *Robert*  
 “ *Leigh*, Esq; to be elected by the Majority of the Freeholders.”

The Witness further sayd, he believed that the Voters which Doctor *Clarke* would have rejected were on Behalf of the Petitioner; but that he could not frame a Belief whether Doctor *Clarke* was for rejecting any of Mr. *Leigh*'s Votes, which the Sheriff was for retaining, and that he did not remember that Doctor *Clarke* shewed or expressed any Dissatisfaction at the Sheriff's returning your worthy Sitting Member, or that Doctor *Clarke* was then in Court. He further sayd, that Dr. *Clarke* was not desired to go to Court on *Tuesday*, and that he did not give any Reason for not going. He further sayd, that the Poll  
 closed



closed a *Saturday* Night, and the Sheriff entered upon the Scrutiny on *Monday* Morning, and that he did not recollect that any Person was called upon by the Sheriff on the Scrutiny on *Monday*, to support the Rights of the Twenty Three, who were rejected the Day following; and that he believed the Twenty Three took the Freeholder's Oath, but could not say whether at any Time during the Poll or Scrutiny the Twenty Three or any of them had Notice to attend the Scrutiny. He further sayd, he did not know whether any of them were present on *Monday* or not, or whether any of them were called upon to defend their Right of Voting, or to appear in Court by the Sheriff or any other Person, but that the Sheriff went through the Poll-Book regularly, and on every Objection called on the Persons on both Sides to support the Objections, but did not call upon any to defend the Right of the Freeholders. The Witness further sayd, he could not take upon him to say that the Twenty Three were distinctly called upon on *Monday*, but that the Sheriff went regularly through the Book. And that the Witness did not know that any one of the Twenty Three appeared on *Monday* to defend his Right, nor could he form a Belief, whether any of the Twenty Three were in Town a *Monday*. He further sayd, he believed the Sheriff rejected the Twenty Three from a Conviction of his Mind, that they had not a Right to Vote, and that he believed the Sheriff was thoroughly satisfied from what had passed, that they had not a Right. He further sayd, that whenever an Objection was made there were several Arguments about it, and that the Sheriff from the Objections themselves, and what passed was convinced, and that the Sheriff sayd, when he rejected the Twenty Three, that he had considered the Objections, and therefore rejected them. And the Witness being asked, on what Grounds it was determined which Votes should be rejected, he made Answer, that the Conference before-mentioned was on *Tuesday* Morning, and that the Name of every Body against whom there was an Objection entered, was read over on *Monday* deliberately. He further sayd, that no Person was examined on the Poll to support the Objections. And the Witness being asked, if he knew Mr. *Bolton*, he said he did, and that he did not believe any of the Clerks were sworn to take the Poll except the Witness.



The Witness further sayd, That *Edward Lewis* offered to Poll for the Petitioner, and was objected to for having given a Bill of Sale of his Lease, and he remembered *Percival* offered the Lease to *Lewis*, to induce him to take the Oath, and that the Reason of his remembering it was, that it was afterwards made a Part of the Objection against receiving *Percival's* Vote. The Witness further sayd, that on *Saturday* the Twelfth of *January* at Night, the Scrutiny was demanded, and the Court adjourned to *Monday* Morning. And the Witness apprehended and believed it was in order to a Scrutiny, and that no Objection was made a *Saturday* Night to the Scrutiny's being on *Monday*, but that the Petitioner and his Friends wanted the Sheriff to declare the Numbers. And he further sayd, that both Candidates declared on *Saturday* Night they had no more to Poll, and that the Candidates and Clerks attended in Court on *Monday* as usual, but that he could not say, that the Sheriff examined any Body, but that some of them mentioned what they had to say.

The Committee was then moved to come to the following Resolution :

*Resolved,*

That it is the Opinion of this Committee, That *Robert Leigh, Esq;* is duly returned a Knight of the Shire, to serve in this present Parliament for the County of *Wexford*.

And after the said Motion had been for some time debated

The Chairman by Order of the Committee left the Chair, and no further Proceedings were had before the Committee, on the said Twenty Second Day of *November*.

But pursuant to the aforesaid Order made by the House, the Committee met again on *Monday* the Twenty Fourth Day of *November* instant, and proceeded in the further Hearing of the Merits of the said Election.

And the said *Nicholas Gordon* having been again produced and examined sayd, That *Thomas Williams* was rejected on the Scrutiny, because he appeared to be a Marksman, and that it did not appear



appear on the Face of the Affidavit, that it had been read to him. And the Witness on Recollection sayd, he remembered Mr. *Grogan* was asked with respect to some of the Marksmen, if he could positively say the Affidavits had been read to them, to which Mr. *Grogan* made Answer, that he could not say it positively, but that he believed they had, and that he should not have taken them if they had not; or to that Purpose. The Witness further sayd, he did not remember he had attended at any Quarter Sessions at any Registry, save once for a short Time. That he had been bred an Attorney, but had never followed Business as an Attorney, but that he believed the Affidavits ought to be read in open Court before they could be registred. The Witness further sayd, he could not say or form a Belief, that the Sheriff would or would not have refused a Vote in like Circumstances for your worthy Sitting Member, but that he believed the Sheriff would have acted impartially to the best of his Judgment.

The Witness further sayd, that *Dilman Dice* was objected to as not duly registred; but the Witness did not know whether it appeared by the Affidavit that it had been truly read or not. The Affidavit was then produced and read, and is as follows:

County of *Wexford*, } *Dilman Dice* of *Rochestown*, in the said  
to wit. } County, Farmer, maketh Oath, that he  
hath a Freehold of the clear yearly Value of Forty Shillings,  
lying and being at *Rochestown* in the said County.

his  
*Dilman* || *Dice*  
Mark.

*Cadw. Waddy.*

Sworn before us at a General Quarter  
Sessions of the Peace held at *Wexford*  
the 16th Day of *July*, 1751.

*John Grogan.*  
*Hen. Milward.*

And it did not appear on the Face of the Affidavit, that it had been read to *Dice*. And the Witness said, that *Dilman Dice's* Vote was received for the Sitting Member.

The Witness further sayd, that *Matthew Slator* offered his Vote for the Petitioner, and was objected to as not being properly registred. And further sayd, that *Slator* declared he lived  
in



in *Dublin*, and that his Tenant lived at St. *Leonard's* at the time of *Slator's* Registry, and that none of his Family lived at St. *Leonard's* at that time. And the Witness sayd, *Slator* was rejected for not being duly registred according to the Statute.

The Witness further sayd, That *Richard Smith* offered to vote for your Sitting Member and was objected to, as not being properly registred, for that he was registred of *Monesuta*, and that he lived at the time of his being registred at *Ballyduff*. He further sayd, that *Smith* sayd, he was every Day on the Lands of *Monesuta*, and that he had them in his own Hands and kept a Herd on the said Lands where he had a House and Barn, and that he was at the time of the Registry and of the Poll an unmarried Person, and had no Family at the time of his Registry, but lived at that time with his Father at *Ballyduff*. He further sayd, That *Smith* was then postponed, and was produced again, and that Mr. *Carew* objected to *Smith's* being sworn, because Mr. *Slator* had not been sworn. And that the Witness believed that either Mr. *Slator* or some Body else desired that *Slator* might be sworn. He further sayd, that *Smith* was sworn *without Prejudice*, and that afterwards his Vote was received for the Sitting Member, and that he stands a Number on the Poll. And the Witness being asked whether *Richard Smith* did not admit he had no House at *Monesuta* but a Place at the End of his Herd's House where he thrashed his Corn. The Witness sayd, he could not form a Belief that *Smith* sayd, he had only a Place at the End of his Herd's House where he thrashed his Corn. Whereupon it was moved that Mr. *George Kavenagh* who had been before examined might be called in, and the said *George Kavenagh* being again examined sayd, that *Richard Smith* sayd he lived at *Ballyduff* when registred, and that by the Registry the Place of his Abode appeared to be of *Monesuta*, and that *Smith* sayd, he never lived at *Monesuta*, and sayd he could not swear to a Ten Pounds Freehold, and was thereupon postponed by the Sheriff. That *Richard Smith* was produced a second time and the Sheriff then sayd, he had talked with Doctor *Clarke* about him, and that the Doctor had satisfied him that *Smith's* Case and *Slator's* differed. And that the Sitting Member sayd, Doctor *Clarke* was clear in it. That *Richard Smith* was produced a third time, and that the Sheriff sayd, *Smith's* Case and *Slator's* were not similar, and that he was of Opinion to receive *Smith's* Vote. And that *Smith* in repeating the Freeholder's Oath, swore his  
Abode



Abode to be at *Ballyduff*. But the Witness sayd, he could not charge his Memory that *Smith* sayd, he had a Place at the End of his Herd's House where he thrashed his Corn.

Whereupon it was moved that Mr. *William Bolton* who had been before examined might be called in again, and the sayd *William Bolton* being called in and again examined sayd, That *Richard Smith* sayd he never lived at *Monefuta*, and that he lived at *Ballyduff* when he was registred, that he held Part of *Monefuta* in his own Hands, and being shewn the Affidavit whereon he was registred sayd, he told them then that he lived at *Ballyduff*, and that he had a Barn at the End of his Herd's House. He further sayd, That *Smith* was then postponed, and was produced a second time, and the Sheriff then sayd, Doctor *Clarke* had satisfied him, and made Use of this Expression, " If you run into any Disorders I must break," and that *Smith* was then postponed until Doctor *Clarke* should come into Court, and that Mr. *Leigh* your Sitting Member sayd, that Doctor *Clarke* was clear in it, and that *Smith* was offered again, and the Sheriff then sayd, there was no Similitude between his Case and *Slator's*. The Witness further sayd, That *Smith* was objected to, as not being duly Registred, and that he ought not to be sworn, as *Matthew Slator* had not been sworn, and that *Smith* was afterwards sworn and his Vote received for the Sitting Member, and he stands a Number on the Poll. The Witness further sayd, That *Matthew Slator* demanded the Freeholder's Oath, and that it was refused him, and his Vote rejected.

*Nicholas Gordon* was again examined and sayd, That *Dominick Ford* was objected to, and gave the same Account in respect to him, that he gave before, and also gave the same Account as he had done before with respect to *Peter Doran*; he further sayd, That *Peter Doran* produced a Certificate dated the Twenty Second June, One Thousand Seven Hundred and Twenty Three, of his renouncing the Errors of the Church of *Rome*, before Archbishop *King*, but that he did not produce any Certificate of his having taken the Oaths or of his having received the Sacrament. And the Witness sayd, he could not remember any Declaration made by *Doran* of his having taken the Oaths or of his having recovered as a Protestant Discoverer on the Popery Acts.



The Witness further sayd he knew the Reverend *Joseph Tench*, and that he polled for the Sitting Member, and that he did for that Reason believe Mr. *Tench* did not wish Success to the Petitioner, but the Witness sayd he did not remember that Mr. *Tench* say'd that *Doran* was a constant Churchman, and received the Sacrament as often as any other Parishioner, but sayd that *Doran* offered to vote for the Petitioner, and was rejected during the Poll, and not reserved for the Scrutiny, and that he did not stand one of the Numbers on his Book. And thereupon Mr. *Bolton* was again called in and examined, and gave the same Account in respect to *Doran* as he had done before, that Mr. *Tench*, *Doran's* Parish Minister, sayd he received the Sacrament constantly. The said *Nicholas Gordon* being again examined in respect to *Matthew Redmond*, gave the same Account in respect to him as he had done before, and further sayd he did not find by any Entry in his Poll Book, nor had he any Recollection that Mr. *Morrison* made any Declaration with respect to *Redmond's* having received the Sacrament, whereupon the said *William Bolton* was again called in and examined, and sayd that *Morrison* declared that he was present, and that he heard *Matthew Redmond* take the Oaths in *Wicklów*, and *Bolton* further sayd, that *Matthew Redmond* produced upon the Poll a Certificate of his Conformity from the *Rolls*, and that the Sheriff then demanded a Certificate of *Redmond's* having taken the Oaths. And *Bolton* further sayd that in the Case of *Ford*, Mr. *Morrison* sayd he did not see *Ford* receive the Sacrament, but saw him go to the Communion Table, and that he believed he received it. The said *Nicholas Gordon* being again examined, sayd he did not recollect that Mr. *Carew* (the next Day after *Robert Percival* offered to poll) told the Sheriff that he would not speak in favour of *Percival* until he begged Mr. *Maxwell's* Pardon, but that it might have been so though the Witness could not remember it; he further sayd he did not remember that the Sheriff told Mr. *Carew*, that he rejected *Percival's* Vote for his ill Manners the Day before, but that it might have happened so though he could not remember it. The Witness further sayd he believed Mr. *Colclough's* Reason for desiring *Percival* to withdraw was on account of his ill Manners, but that he could not say whether *Percival* was in Liquor or not; the Witness being asked sayd he did not know, and could not form a Belief that *Percival* demanded the Freeholder's Oath as a Ten Pounds Freeholder, whereupon the said *William Bolton*



*Bolton* was again called in, and being further examined sayd, that *Percival* offered himself at first as a Forty Shillings Freeholder, and afterwards as a Ten Pounds Freeholder, that *Percival* was first produced the Tenth of *January* One Thousand Seven Hundred and Fifty Four, and that no Objection was then made to him, but his having made use of the Expression to Mr. *Maxwell*, which he had before given an Account of, and that Mr. *Maxwell* thereupon complained to the Court of his having been insulted and withdrew, though *Percival* begged his Pardon several Times, he further sayd that *Percival* was produced again the Twelfth of *January*, and that the Sheriff sayd that Doctor *Clarke* had heard him reject him before, and that he then rejected him again. And the said *Nicholas Gordon* being again called and examined sayd, that it was on *Friday* the Eleventh of *January* that *Percival* was produced and rejected, and that he had no Recollection of his having been produced a Second Time, nor any Entry of it as *Percival* was rejected the first Time.

The Witness further sayd, that *John Sheppard*, Esq; (after two other Persons had polled) was called upon to take the Freeholder's Oath, and that Mr. *Maxwell* insisted, that by the same Rule the Sheriff might be required to tender the Oath to every Person who had polled before at the Election, and that therefore the Application for tendring the Oath to Mr. *Sheppard* was irregular, and that the Entry made in his Poll-Book on that Occasion was in these Words, *This to be considered*. He further sayd, that on the Scrutiny Mr. *Harvey*, as a Freeholder, came to support the Objection, by saying, Mr. *Sheppard* declined taking the Oath, and that Mr. *Maxwell* insisted, that no Objection having been made to *Sheppard* at the time he polled, nor till after Two others had polled, it ought not to stand against him, but that on the Scrutiny Mr. *Sheppard's* Vote was rejected by the Sheriff. The Witness further sayd, he did not remember that after the Scrutiny there was any Discourse between the Sheriff and Doctor *Clarke* about returning the Sitting Member, or that Doctor *Clarke* sayd it was against his Opinion. The Witness further sayd, that a great many Things passed on both Sides during the Poll which he did not take down, and that what was mentioned with respect to Mr. *Tench* was a Transaction during the Poll; but he sayd he took down exactly every Thing material that passed on the Scrutiny.

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The Witness being further examined, sayd, that *Patrick Sullivan* sayd he was bred a Protestant from his Age of Ten Years, and that he offered to vote for the Petitioner and was rejected. And that *Dominick Ford* sayd he was bred a Protestant from Twelve Years, and his Vote was received for the Sitting Member. And being asked, upon what Motives the Sheriff could receive the Vote of the one and reject the Vote of the other, he sayd, that *Ford* offered Proof of his having received the Sacrament, and that *Sullivan* did not, which the Witness believed was the Sheriff's Reason for making the Difference. And the Witness being asked by whose Directions he entered the Notes in his Book, he sayd, the Notes on his Book were sometimes entered by Direction of the Sheriff, and sometimes at the Request of Gentlemen of either Side; but that the Witness could not suppose he could have known every Thing that passed openly in the Presence of the Sheriff, as there was sometimes a good deal of Confusion, and many Things might have escaped him; and being asked whether he imagined he was obliged, from the Nature of his Office, to make Entries of any Thing as admitted or given in Evidence, which in fact had not been admitted or given in Evidence, he made Answer that he did not, but on the contrary thought that he ought not. And the Witness being then directed so to do, read from his Book what was entered therein in respect to *Percival*, which is as follows,

“ Objected that he is not duly registred, for that he confesses he lived at *Arkavan* when he was registred, and that the Registry is of *Castleton*, the Voter then offers to poll as a Ten Pounds Freeholder.”

“ Mr. *Maxwell* being insulted by the Voter for asking a Question, he and several other Gentlemen quit the Court.  
“ Rejected for that it appears to the Sheriff from his own Confession that he has not a sufficient Freehold.”

The Witness being asked whether *Percival* confessed that he had not a sufficient Freehold, the Witness sayd, that he takes it that the Entry in *Percival's* Case, *That he was rejected on his own Confession*, related to *Percival's* Confession about the Registry, and nothing else. And the Witness sayd, he believed his Entries in general were true; but in that relative to *Percival* there was a Mistake, and that he could not say whether he made the



the Entry by Direction of the Sheriff or at the Request of some other Person in Court; and that he did not know whether *Percival* retired on Mr. *Colclough's* desiring him to go out of Court, or not, and that he could not tell whether *Percival* was present or absent when he was rejected. The Witness being further examined, sayd, that *Thomas Williams* was objected to as not being duly registred, and that he appeared to be a Marksman, and the Affidavit not to have been read to him; and being asked how it appeared that the Affidavit was not read to him, the Witness sayd, he meant by his Entry that it did not appear by the Affidavit that it had been read, and that his Meaning was the same in every other Instance of that Kind. The Witness being asked, if it was objected to *Patrick Sullivan* on the Poll that he had not received the Sacrament, sayd it was not, but that Mr. *Maxwell* on the Scrutiny desired Evidence might be given of *Sullivan's* having received the Sacrament, but that the Witness could not say that *Sullivan* was present at the Scrutiny.

*George Kavenagh* was then again called in and further examined, and being asked, sayd, it was not from the Book he took the Notes in below he gave his Evidence, but from a fair Copy of it alphabeted; and being desired to read his Entry in respect to *Robert Legett*, sayd, that *Robert Legett* was therein sayd to have voted out of *Mount Alexander* and *Monalister*, and in his rough Book it is mentioned *Mount Alexander*, otherwise *Monalister*, which Mistake Mr. *Fitz-Gibbon*, one of your worthy Sitting Member's Council, had before shewn him. He further sayd, the Entry was so made merely through Mistake in transcribing, and not with any Intent to strip the Sitting Member of *Legett's* Vote. The Witness further sayd, he believed there was no material Alteration between his rough and fair Books, but that he could not say, but there might be some Alterations in Words, and that one is fuller than the other. That he took the Notes short in Court, and whilst they were fresh upon his Memory entered them in the fair Book during the Election, and that he never made any Alteration in his original Note Book.

Then the Council for your worthy Sitting Member proceeded in their Evidence, and produced *John Goran* as a Witness, who being examined in respect to *Thomas Duffil*, sayd, that *Duffil* did not vote at all, but that he believed he intended to vote for the Petitioner, but was objected to that he had no Freehold, and was

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not Registred, he further sayd that the Voter declared he had not been Registred, within Ten Years, and that he was not *Thomas Duffill* of *Tintrin*, but was *Thomas Duffin* of *Killcole*.

The Witness further sayd that he believed *Joseph Copeland* offered to vote for the Sitting Member, but was objected to that he had no Lease or Freehold, he further sayd that the Voter sayd there was a Clause in his Lease that he should quit the Premisses on three Months Notice, and that Mr. *Richards* was to allow him Ten Pounds when he should turn him out of Possession, and that he held Twenty Eight Acres at Eight Shillings an Acre, and had set half the Lands at the same Rent, and that his Lease was signed Eleven Months before, but the Witness sayd he could not find by his Notes that any mention was made of a Notice having been served by *Richards* on *Copeland*, and that *Copeland* did not take the Freeholder's Oath.

The Witness further sayd, That *William Jewell Edwards* offered to vote for the Petitioner, and was objected to, as not properly Registred, and that *Edwards* sayd, he lived at *Moburry* when Registred, and that he never heard the Lands of *Timmony* went by the Name of *Moburry*, and at the Desire of the Sitting Member's Council, *Edward's* Affidavit was then read, wherein he stiles himself of *Timmooney*, and is as follows.

County of *Wexford*, } *William Jewel Edwards* of *Timmooney*  
to wit } in the said County maketh Oath, that he  
hath a Freehold of the clear yearly Value of  
Forty Shillings, lying and being at *Timmooney* in the said County.

*William Jewell Edwards*

Sworn before us at a general Quarter Sessions of the Peace held at *Wexford*, in and for the said County the 29th Day of May 1751.

*Shapland Swiney.*  
*Henry Milward.*

The Witness further sayd that *Richard Williams* was objected to and that the Objection was that his Wife was a Papist, and that he educated or suffered to be educated his Children in the Popish Religion and that *Williams* admitted his Wife had been a Papist



Papist but that she had conformed, and that *Williams* was further objected to that his Wife had not performed the several Requisites, and therefore the Sheriff sayd, that *Williams* was not qualified to Vote, and the Witness sayd he did not know that any written Evidence was produced of her Conformity.

The Witness further sayd that *Patrick Sullivan* Voted for the Petitioner, and that he was objected to, that he was a Papist and had not conformed, and that he had no Freehold.

The Witness further sayd that *Edward Sheal* Voted for the Petitioner and was objected to that he was not the Man Registred, and that he had a Popish Wife, *Sheal* sayd he lived at *Ballyboggan* at the time he was Registred, his Affidavit was then produced wherein he is called of *Moburry*.

And then the Chairman by order of the Committee left the Chair, and no further Proceedings were had before the Committee on the said Twenty Fourth Day of *November*.

But pursuant to the aforesaid Order made by the House, the Committee met again on *Tuesday*, the Twenty Fifth Day of *November*, Instant, and proceeded in the further Hearing of the Merits of the said Election.

And *John Gowan* was again produced on Behalf of your worthy Sitting Member, and being examined sayd, that *William Carter* was objected to, that he was not the Man registred. He further sayd, that *William Carter* voted for Mr. *Ram* out of the Lands of *Timmoony*, and declared he had never lived at *Timmoo-ny*, but the Witness did not know whether *Carter* was or was not sworn. He further sayd, that *Carter* declared that at the time he was registred, he lived at *Moburry*, though he was registred as of *Tamnowiny*. And the Affidavit, at the Desire of the Council for your worthy Sitting Member was read, and is as follows :

County



County of *Wexford*, } *William Carter* of *Tamnowiny*, maketh  
to wit. } Oath that he hath a Freehold of the clear  
yearly Value of Forty Shillings, lying and  
being at *Tamnowiny* in the County of *Wexford*.

*William Carter*. Sworn before us at a Quarter Sessions held at  
*Wexford*, in and for said County this 29th  
Day of *July* 1748, in the County Court  
House.  
*John Hatton.*  
*Robert Colyer.*  
*Cæ. Colclough.*

The Witness further sayd, that *William Edwards* voted for the  
Petitioner, and was objected to, and that the Objection was, that  
he was not registred, for that he was registred by the Name of  
*William Edwards* of *Moburry*, and that his Freehold by his Affi-  
davit is of *Timmoony*. And further said, that *William Edwards*  
declared that his Son was joined in the Lease with him. The  
Affidavit of *William Edwards* was then read, (at the Desire of  
the Council for the Sitting Member) and therein he is stiled  
*William Edwards* of *Moburry*. And the Witness sayd, he must  
suppose that *Edwards* lived there when registred.

The Witness further sayd, that *Edmond Widdop* was objected  
to, and that the Objection was, that he was not registred, and  
that he was a Marksman, and that it did not appear by the  
Affidavit that it was read to him. He further sayd, that *Widdop*  
declared he could write his Name.

The Witness further sayd, that *Richard Richards* was objected  
to, as not properly registred, the Tythes out of which he voted  
not being registred. *Richard's* Affidavit was then read, and is  
as follows :

County of *Wexford*, } *Richard Richards* of *Rathaspack*, in the  
to wit. } said County, maketh Oath, that he hath  
a Freehold of the clear yearly Value of  
Forty Shillings, lying and being in the Parish of *Island* in the  
said County.

*Rich. Richards*. Sworn before us at a General Quarter Sessi-  
ons of the Peace, held at *Wexford*, the  
8th Day of *April*, 1752.  
*Bostocke Radford.*  
*Gec. Nixon.*

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The Witness further sayd, that he believed that *Thomas White* offered to vote for the Petitioner, and that he could not find that any Objection was made to him, but that he had an Entry in his Book that *White* sayd, his Wife was a Papist when he married her, and that she afterwards made her Recantation, and that she read her Recantation since the preceding Election, and that he had been married to her Eight Years. And the Witness being asked, when the last Election, before that in One Thousand Seven Hundred and Fifty Three was, made Answer, that he did not know. And the Witness further sayd, that he found no Objection entered to *Stephen Cavanagh*, but had an Entry that *Cavanagh* sayd, he was a Conformist, and made his Recantation in One Thousand seven Hundred and Forty Eight, and that before that Time he and all his Family were Papists.

The Witness further sayd, that *Robert Hughes* voted for the Petitioner, and was objected to, and that the Objection was, that he had no Freehold, for that the Person under whom he said he derived, to wit, *John Cavanagh* being a Papist, could not make or have such a Power, and that he was married to a Popish Wife.

The Witness further sayd, that *Patrick Rath* voted for the Petitioner, and was objected to, and that the Objection was, that he was born of Popish Parents, and was a Papist.

The Witness further sayd, that *John Farrell* voted for the Petitioner, and was objected to, and that the Objection was, that he was a Papist, and was born of Popish Parents, and never had conformed.

The Witness further sayd, that *Michael Lacy* voted for the Petitioner, and was objected to, for that his Lease was for Three Lives or Forty one Years. And the Witness sayd, he found no other Objection in respect to *Lacy*.

The Witness further sayd, that *Joseph Grantham* voted for the Petitioner, and was objected to, and that the Objection was, that his Freehold was insufficient, and not in his Possession, and that the Lands were in the Possession of *Thomas Kidd*, and that he received no Rent or Profit out of them. He further sayd, that



*Grantham* declared, that he had within the then Week, received Forty Shillings from Mr. *Kidd*, but never received any before. That he paid Two Pounds Fifteen Shillings and Three Pence to Mr. *Colclough*, and that he was about to build a House, but had not yet built one; that he left his Corn and Potatoes with Mr. *Kidd*, for the Forty Shillings; and further declared, that the Rent payable to him by *Kidd* was Four Pounds Fifteen Shillings and Three Pence a Year, but that his Agreement with *Kidd* was not in Writing, and that *Kidd* was Mr. *Colclough*'s Agent.

The Witness further sayd, that Mr. *Maxwell* then objected that the Voter had no Freehold, as he confessed he had received Forty Shillings within the Week from Mr. *Kidd*, and that Mr. *Kidd* was in Possession under him for near Two Years, and that the Voter never demanded any Rent, until within that Week.

And the said *John Gowan* the Witness, having been Cross-examined, sayd, he took down every thing in his Book, in Court, to the best of his Capacity, (except the References from Number to Number, which he wrote since) as the Persons spoke them in Court, but that he took no Notes on the Scrutiny. He further sayd, he knew *Jack Hatton*, and that *Hatton* voted for your worthy Sitting Member, and was an Agent for him. The Witness further sayd, he could not write very fast, and that when he was at the End of a Sentence, Mr. *Hatton* usually mentioned to him, what the Voter had sayd, and if the Witness remembered it, he put it down, and if he did not remember it, he did not put it down. The Witness sayd, he believed Mr. *Hatton* mentioned those things to him, as he wrote slow, and to further the Business, and for no other Reason. And the Witness being asked, if he should have had every thing now mentioned in his Book inserted in it, if *Hatton* had not reminded him of it, he made Answer, he did not know whether he should or should not, but that he believed he took down what related to each Voter, before another Voter was called on, or offered to vote, and that he did not know or believe that he had any thing in his Book, which did not pass in Court, save the References from Number to Number. He further sayd, he wanted no Assistance from *Hatton*, but *Hatton* did it of himself to refresh the Witness's Memory, as he sat by him. He further sayd, he did not tell *Hatton*, that he did not want his Assistance, but could not tell whether



whether he did, or did not, tell *Hatton* that he did want it, nor could he form any Belief as to that Matter.

The Witness being Cross-examined in respect to *Thomas Duffin*, sayd, he could not tell whether *Duffin* sayd he was some time called *Duffill*, and sometimes *Duffin*, nor could the Witness form any Belief about it, as he had no Entry of it, which he believed he must have had, if *Duffin* had said so, and that he never saw the Man before or since he polled. And the Witness further sayd, he did not remember, nor could he form a Belief, whether Mr. *Colclough* and Mr. *John Hatton*, did or did not offer to prove that *Duffill* was the Man registred, for that if he had heard it, he would have put it down. And further sayd, he had no Entry that *Duffill* demanded the Freeholder's Oath, and that he believed he should have put it down if he had remembered or heard it, and that he had in his Book every Thing material that passed, as far as he was capable of taking it down, and believed he wrote the Answers that were made to the Objections to the best of his Judgment, but could not say he wrote down all the Answers.

The Witness being Cross-examined in respect to *Joseph Copeland*, sayd, That Yesterday he believed he said *Copeland* voted for the Sitting Member, but that his saying so was through Mistake, for that upon examining his Book the Night before he found that *Copeland* had offered to vote for the Petitioner, and that he offered to vote as a Ten Pounds Freeholder, and believed the Freeholder's Oath was demanded by him, or some Body for him, and that he believed that the Sheriff refused to give him the Freeholder's Oath, but that he did not remember, nor could he form a Belief that the Sheriff sayd, he would not for his own Reasons let *Copeland* perjure himself, or that the Sheriff said he rejected the Vote upon the Evidence of his own Mind, or any Words of that Import. And the Witness sayd he entered the Facts one after another as he recollected them, and that he believed the Sheriff afterwards desired that *Copeland* might be called to take the Oath if he was willing. The Witness further said he believed *Copeland* was thrice called but did not answer, and that Mr. *Percival* sayd *Copeland* should not come, and being asked who Mr. *Percival* was, he made answer that he was a Gentleman of the County of *Wexford*, and as he believed voted for the Petitioner, and was a Friend to him. He further sayd he believed *Copeland* was thrice called before any other Person was called



called upon to vote, but that it is not so mentioned in the Entry in his Book. The Witness further sayd, that he compleated the Entry relative to each Man before he took the Notes relative to another Poller, and that he believed *Copeland* would have answered if he had been in Court when he was called; and as *Copeland* did not answer, believed he was not in Court when he was so called. The Witness further said he was personally acquainted with Mr. *Percival*, and had been several Times in Company with him, but had no Intimacy with him, and that he could not form a Belief, but had heard that Mr. *Percival* had an Averfion to Cheese, but afterwards sayd he did believe Mr. *Percival* might have an Averfion to Cheese. The Witness further sayd, he did not see any Body carry Cheese into the Court-House to drive Mr. *Percival* out of it, but that he heard that some Body did carry Cheese into the Court for that Purpose, but could not say who it was.

The Witness being further examined sayd, That *Jack Hatton* sat at his Left Hand during the whole of the Poll, which lasted Twelve Days, and that he did believe *Hatton* assisted him more or less every Day during the Poll, and sayd if Mr. *Hatton* had not refreshed his Memory, that some things might have escaped him which were then entered in his Book, and that he believed his Book would not have appeared in the State or Condition it then was in if Mr. *Hatton* had not assisted him. The Witness being asked, further sayd, that some of the Petitioners Clerks, particularly Mr. *Bolton*, called out to the Witness or to *Hatton*, and sayd the Witness was taking Notes of Things which had not passed, but the Witness did not recollect that *Green* sayd *Hatton* dictated Things which had not passed, but that Mr. *Bolton* seemed dissatisfied when he called out to the Witness, and that notwithstanding *Hatton* continued during the Remainder of the Poll to refresh the Witness's Memory as before.

The Council for the Sitting Member then produced *James Murphy* as a Witness, who being examined, sayd he knew *Thomas Rath* of *Ballintash* about Fifteen Years, that he could not tell what Religion he was of at any Time, but that he saw him at Mass after his Age of Twelve Years several Times. He further sayd that *Thomas Rath* and he did not live in the same Parish, and that he did not know the Father or Mother of *Thomas Rath*. The Witness further sayd he had known *Joseph Rath* about



about the same Time, and saw him several Times at Mass after his Age of Twelve Years, and that *Joseph Rath* was a married Man when he saw him last at Mass. The Witness further sayd he had known *Patrick Rath* about Thirteen or Fourteen Years, and saw him both at Church and at Mass, and saw him at Mass several Times, but could not tell whether he was Twelve Years old or not when he last saw him at Mass, *Patrick Rath* being then a Boy going to School, and that it was about Twelve Years ago, and that *Patrick Rath* is the Son of *Thomas Rath*, and that the Witness never saw *Patrick Rath* at Mass after he saw him at Church, and could not say what Age he was of when he saw him last at Mass, but that he could not be much above Twelve. The Witness being Cross-examined, sayd, he could not say what the Reputation of the Country was as to the Religion of the Family of the *Raths*, some saying they were Protestants, and some saying they were Papists, and being asked his Reason for saying he had seen *Patrick Rath* both at Church and at Mass, he made Answer, that he himself had been a Papist and was then a Protestant; and being examined as to his Belief with respect to the Religion of *Thomas Rath* and of his Wife, he said he could not frame a Belief whether *Thomas Rath* was a Protestant or not, or whether his Wife was a Protestant or not. The Witness further said that Examinations had been given against him for carrying Arms by *Patrick Rath*, and that he believed a Warrant issued against him, and that he was taken thereon and confined; and that *Thomas Rath* and *James Rath* were two of those who assisted in carrying him to *Wexford* Jail. And he further sayd that he saw *Patrick Rath* at the Church of *Ferns*.

The Council for the Sitting Member then produced *Walter Devereux*, who being examined sayd, he knew *Charles Breen* of *Tintron* Two or Three and Forty Years ago before he went abroad, and that about Eighteen Years ago when *Breen* came home, he told the Witness he had been in the *English* Service and was a Serjeant, and that he was then a *Chelsea* Pensioner. The Witness further sayd, when he first knew *Breen*, that *Breen* was a Papist and was upwards of Twenty Years old, and that he believed he professed the Popish Religion all his Life until he went abroad. And the Witness sayd, the Reason of his Belief was, That he himself went to Mass where he saw *Breen* several times, and that *Breen's* Father was a Papist, but the Witness sayd, he did not know *Breen's* Mother. The Witness further sayd, he knew



*John Devereux* of old *Ross* Four or Five and Forty Years, that *Devereux* was a Papist in his Younger Days, and that the Witness went to School to him, and saw him at Mass, but never saw him at Church, and that *Devereux* was Twenty or Twenty One Years of Age at that time, and the Council for the Petitioner then gave up the Vote of *John Devereux*. The Witness being Cross-examined sayd, That he was Fifty Four Years old, and knew *Breen* Forty Five Years ago, but could not form a Belief whether *Breen* voted at the last Election preceding that in One Thousand Seven Hundred and Fifty Three, and the Witness being asked whether he believed *Breen* was a Protestant, he made Answer, that he believed he was, as also that he was a Pensioner of *Chelsea* Hospital, but that he believed *Breen* went abroad first to *France*. The Witness further sayd, he knew *Philip Devereux*, and saw him Five or Six times, but could not say *Philip Devereux* was a Papist after his Age of Twelve Years, for that he did not know him until about two Years ago, but that he believed *Philip Devereux's* Father was a Papist, and that he believed *Philip Devereux* voted for your Worthy Sitting Member. The Witness being asked of what Religion he himself was, he made Answer that he went to Mass, and further sayd, that the Reputation of the Country was, that *Breen* and several others went to *France*, and that he believed *Breen* was in the *French* Service first before he went into the Service of *Great Britain*, and that he heard it from several that went with *Breen* to *France*. The Council for the Sitting Member then produced *Miles Reddy*, who being examined sayd, He knew *Robert Hughes*. And the Council for the Petitioner insisting that as no Objection was made below to *Robert Hughes* in respect to his Wife's being a Papist, that no Evidence thereof ought to be entered into. And the Council for your worthy Sitting Member insisting that *Gowan* in his Examination had given Evidence thereof. The Council for the Petitioner insisted it was a Mistake in *Gowan's* Poll-Book, and that in Fact no such Objection had been made, and that it did not appear to be made or entered on the Poll-Book of *Nicholas Gordon* the Sheriff's Clerk, or on the Poll-Books of the three Persons who attended and took the Poll on the Part of the Petitioner, and that the said three Clerks were ready to prove that no Objection was made to *Robert Hughes* but his want of Freehold to prove, which at the Desire of the Council for the Petitioner *John Green* was called in, who being examined sayd, He attended at the Election to take the Poll in Behalf of the Petitioner; and that *Robert Hughes* was objected

to



to for want of Freehold, but that no Objection was made that he was a Papist or married to a Papist, and the Witness being Cross-examined sayd, That he believed if the Objection had been made to *Hughes* that he was a Papist or married to a Papist that he should have set it down, and further sayd, That he never heard the Objection, and believed it was not made because he had no Entry of it, and that he believed nothing material escaped him, and that he entered every thing material, and being asked whether there was not sometimes a Noise and Tumult in the Court, he sayd there sometimes was, but that he seldom wrote any thing whilst there was any Tumult, he further sayd, he believed *William Carter* was not sworn and believed there was no Objection made to him, and the Witness being asked whether he believed it was material to enter whether a Freeholder was sworn or not, made Answer, he believed it was, and being asked whether he might not have omitted entring the Objection to *Hughes* as well as the swearing of *Carter*, he made Answer, That he believed not, for that as there was no Objection to *Carter* he might have omitted to make any Entry about his being sworn, he further sayd, That he could not remember that the Oath was administered to *Higginbotham*, and that he believed that *Rouson* was not sworn, and in order further to prove that no such Objection was made to *Robert Hughes* as alledged by *John Gowan*, the aforesaid Mr. *Bolton* was at the Desire of the Council for the Sitting Member called in again, and being examined sayd, He did not believe *Robert Hughes* was objected to as being married to a Papist, as he was very attentive to all the Objections made, and being asked whether the Evidence he gave was from the original Book he wrote in Court at the time of the Election, he made Answer that it was ; and then the Council for the Sitting Member waived going into Evidence to prove the Wife of *Robert Hughes* a Papist, and further sayd, That they had no more Witnesses to produce as to the Objection on the Head of Popery.

And in order to invalidate the Testimony of *James Murphy*, the Reverend Mr. *Andrew Hamilton* was (at the Desire of the Council for the Petitioner) then called in and produced as a Witness in behalf of the Petitioner, and being examined, sayd, that he was Incumbent of the Parish of *Kilcormuck* in the County of *Wexford* for Eight Years, and was removed from thence about Ten Years ago, and that *Thomas Rath*, *Joseph Rath*, and *James Rath* were his



his Parishioners, that he had no Church in his own Parish, but that he saw them frequently at Church in the Church of the neighbouring Parish, to which he and the Parishioners of that Part of the Parish where *Thomas Rath* lived generally resorted, and that he christened their Children, and looked upon and considered them as Protestants, but that he did not know *Patrick Rath*. And being Cross-examined, he sayd, that he could not remember when first he saw *Joseph* or *Thomas Rath* at Church, but that he saw them several times at Church, and frequently missed them, and that he had seen them at the Communion, but not so often as he could have wished, but that with respect to *Joseph Rath* he did not speak with absolute Certainty, but to the best of his Belief. He further sayd, he never heard that their Parents were Papists. And being asked whether he constantly attended Divine Service at the said Church, he made Answer, that he generally did, but that he sometimes went to other neighbouring Churches to assist or officiate for the Clergy thereof. And having been then asked for whom he voted on the last Election for the County of *Wexford*, he sayd he voted for Mr. *Leigh* the Sitting Member. And being asked if it was not the Reputation of the Country that the *Raths* and their Family were Protestants, he sayd, he never heard the contrary, but that he had some distant Recollection there was some Hint about the Wife of *Joseph*, but could not distinctly say at such a Distance of Time what it was. And being asked whether his other Parishioners were more regular than *Thomas Rath* in their Attendance at the Communion, he sayd, that none of his Parishioners were so often at the Communion Table as he could have wished. And he further sayd, that he christened the Children of *Thomas* and *Joseph Rath*, and believed he also christened the Children of *James*, if he had any. And being asked, whether Papists usually suffered Protestant Clergymen to christen their Children, he made Answer that they did not.

And then the Chairman, by Order of the Committee, left the Chair, and no further Proceedings were had before the Committee on the said Twenty Fifth Day of *November*.

But pursuant to the aforesaid Order made by the House, the Committee met again on *Wednesday* the Twenty Sixth Day of *November* instant, and proceeded in the further Hearing of the Merits



Merits of the said Election. And the Council for the Petitioner produced *James Rath* as a Witness on behalf of the Petitioner, who being examined, sayd, that he had known *Thomas Rath* from his Birth; that he lived at *Ballyclash*, and that he knew his Father whose Name was *John Rath*, and was a Protestant. That he knew the Mother of *Thomas*, and she was a Quaker when he married her, and that on her Marriage she went to Church with her Husband. That *Thomas Rath* was educated in the Protestant Religion, and always continued a Protestant, and never changed from it to any other Religion. The Witness further sayd, that he never saw the Grandfather of *Thomas*, but had often heard of him, and heard his (the Witness's) Father talk of him, and always heard that he came over into this Kingdom with *Cromwell*, and was reputed a *Cromwelian*, and was the Grandfather by the Father of *Thomas Rath*, and that the Grandfather of *Thomas* by the Mother's Side was a Quaker. The Witness further sayd, he knew *Joseph Rath* from his Birth, and that he was Brother to *Thomas Rath* by Father and Mother; and that *Joseph* was a Protestant, and had been so from his Birth, and never was of any other Religion. The Witness further sayd, he knew *Patrick Rath*, and that he was Son of the said *Thomas Rath*, and that *Patrick Rath* was a Protestant, and was educated in the Protestant Religion. He further sayd, he knew *Patrick Rath* from his Birth, and was at his Christening, and that he was christened by the Reverend Mr. *Joshua Thomas*, a Clergyman of the Church of *Ireland*. The Witness further sayd, he knew the Wife of *Thomas*, and that she was a Protestant when she married, and has ever since continued a Protestant, and that she was of a Protestant Family by Father and Mother, the *Boltons* of one Side, and the *Stacys* of the other. The Witness being Cross-examined, sayd, he lived at *Owlerwick*, and had lived there Thirty Years, that it bounds on *Ballyclash*, and that he knew the Wife of *Joseph Rath*, that she was of the Protestant Religion, and was so when *Joseph Rath* married her, and that neither the Wife of *Thomas* or of *Joseph Rath* was of the Popish Religion before their Marriage. That he lived in the same Parish with *Thomas* and *Joseph Rath*, and that the Reverend Mr. *Tottenham* was the Parish Minister, and had been so about Nine or Ten Years. And the Witness being asked if he was a Protestant, made Answer, that he was a Protestant. The Council for the Petitioner then appealed to your worthy Member the Right Honourable Sir *Arthur Gore*, for the Religion of *Thomas*, *Joseph*,



*seph*, and *Patrick Rath*, and for the same Purpose also appealed to your worthy Member *Robert Doyne, Esq;* And the Council for the Petitioner, in order to shew that *Charles Breen* was a Protestant, produced the Reverend *Abel Butler* as a Witness, who being examined, sayd, that he was Minister of Two Churches in the County of *Wexford*, and gave alternate Service. That the Churches were those of *Tintrin* and *Owenduff*. That *Charles Breen* was his Parishioner in the Parish of *Tintrin*. That he had been Minister of that Parish almost Twenty Three Years, and that *Breen* had been his Parishioner about Seventeen or Eighteen Years, and that he always considered him as a Protestant, and that he had seen *Breen* attend at Church as often as his other Parishioners, and had seen him receive the Sacrament very frequently, and was as usual an Attendant at the Communion as his other Parishioners. The Witness further sayd, he often conversed with his Parishioners, and that *Breen* was considered among them as a Protestant. And further sayd, that he believed *Breen* voted at the Election where Mr. *Jones* and Mr. *Monk* were Candidates. The Witness Mr. *Butler* being Cross-examined, sayd, he could not tell *Breen's* Age, but believed he was not Sixty. That he could not tell whether *Breen* was always a Protestant, or whether his Parents were Papists, being a Stranger to them. That he never heard that *Breen* was in Foreign Service, until he heard it mentioned on the Floor the Day before.

The Council for the Petitioner then produced *William Bolton*, and he being further examined, sayd, that a Poll-Book which he then produced, was taken by him at the Election, which begun the Twenty Fourth of *October*, One Thousand Seven Hundred and Fifty One, when Mr. *Jones* and Mr. *Monk* were Candidates, and that he found by an Entry made therein, that *Charles Breen* voted on that Election for Mr. *Monk*, and that no Objection was made to him. The Witness being cross-examined, was desired to look into that Poll-Book, in respect to *Robert Burkett*, and to mention what his Entry was as to him, and he thereupon sayd, that the Entry was, that *Burkett's* Vote was not received, because he sayd, his Freehold was not worth Ten Pounds a Year. The Witness being asked, whether he was not rejected on account of his being a Trustee for his Son, sayd, he recollected that there was something mentioned about a Trust for *Burkett's* Son, but could not recollect by whom, but that he could not frame



frame a Belief, whether it was out of the same Freehold that *Burkett* offered to vote at last Election, for that *Burkett* on the last Election, mentioned *Cookstown* to be the Name of his Freehold, but that there is no Freehold mentioned on the Book of One Thousand Seven Hundred and Fifty One.

Then the Council for your worthy Sitting Member, produced *Walter Devereux* again, who being further examined, sayd, that he knew *John Evely* of *Ballytogher*, and knew the Lands he held at *Ballytogher*. The Witness further sayd, he was in Company with *Evely*, coming from the late Election, and asked *Evely* how he liked the Election, who answered very well. And that the Witness thereupon told *Evely* he could get a good Price for his Farm, when he voted out of it as a Ten Pounds Freeholder, to which *Evely* answered, he was offered Ten Pounds a Year for it by a Tenant of Sir *Arthur Gore's*, one *Hudson* a Quaker, at the Election. And the Witness further sayd, he believed *Hudson* voted for Mr. *Ram*, and that the Witness knew the Freehold very well, and that it was either fifteen or seventeen Acres of Ground, as he believed from what he had heard, but that he did not know it, and that *Evely* told him, he paid something better than Fifty Shillings a Year Rent. The Witness further sayd, he believed the Freehold might be lett at the Time of the Election, at Seven Shillings an Acre, and did not think it was at that Time worth more; and sayd, he knew the Value of Lands in that part of the Country, as well as any Man in the County of *Wexford*. The Witness being asked, whether he knew *William Fortune*, made answer, that he did, but that he knew nothing of his Holding. The Witness further sayd, he was at the Election, and continued there from the first Day, until Mr. *Leigh* was declared, and that he was not that he knew of, produced on the Scrutiny, to attest any Matter whatsoever.

He further sayd, that he knew *Mogue Mitchell*, and understood *Irish* a little, and that he was a Witness to some Notes passed by *Mitchell*, and that he signed them by the Name of *Moage*. The Witness further sayd, he witnessed two or three such Notes, the first of which, was either twelve or thirteen Years ago, and the last about ten or eight Years ago. The Witness also sayd, he knew many Persons in that Part of the Country, of the Name of *Moage*, but that he could not say, he was present when any Person was christened by the Name of *Moage*, and that he never heard *Mitchell* called by



by any Name but *Moage*, before the Election. The Witness being Cross-examined, sayd, he then lived in the County of *Kilkenny*, and not in the County of *Wexford*, but that he had lived fifty Years in the County of *Wexford*, and left it two Years last *March*. And that he lived three or four Years before he left the County of *Wexford*, within a Mile of *Ballytogher*. That he never was Tenant of *Ballytogher*, but valued the Tythes of it for about eight Years, for Mrs. *Thomas*, who was the Mother of the Parish Minister of *Ferns*. That he was sure *Evely's* Holding, did not contain more than seventeen Acres: But could not tell whether *Joseph Smithson's* Lands were *Ballytogher* or *Cooltogher*, but that they are in different Parishes. The Witness further sayd, that he never held any part of *Ballytogher*, nor ever saw *Evely's* Lease, and that *Evely* told him he had it not. The Witness sayd, there was a House upon *Ballytogher*, in which *Evely* lived, and that he could positively say that *Evely's* Holding did not contain Twenty Acres. That *Evely* was a Weaver, and his House good enough for a Tradesman to live in; but sayd, positively, the Land was not worth Eight Shillings an Acre. He further sayd, that *Mitchell's* Notes were payable to Mrs. *Thomas*, and that the Witness and *William Thomas* were Witnesses to them, and that *Moage* was the short Name for *Idanus*, which he believed was the *Latin* for *Moage*, and was always understood so. And being asked, whether he had ever seen the Name *Idanus* signed to either Note or Lease, he sayd he had not, and that he never heard any Man of the Name of *Moses* called *Moage*. And being further examined, he sayd that *Evely* was a Quaker, and that he believed he was an honest Man, and never heard to the contrary, and further sayd, that *Evely* took the Affirmation at the Election, as a Ten Pounds Freeholder. And the Witness being asked how long he had been in *Dublin*, he sayd, he had been in *Dublin* three Weeks last *Wednesday*, and came upon a Summons from the Committee, and had no other Business. The Witness further sayd, he believed *Moage Mitchell* had a very good Freehold under Mr. *Donovan*, and that the Lease was made to his Father, and was come to him.

The Council for the Sitting Member next produced *William Colley*, who being examined sayd, He knew *Thomas Clark* of *Clonard*, and that he was told he voted at the last Election. He further sayd, He had set *Colley* Eight Acres of Land, that there was



was but one Part of the Lease or Article executed, and that it was put by Agreement into the Hands of *Moor* or *Cavenagh* to keep ; and that he made the Lease as Guardian to *Samuel Waddy* a Minor, during the Minor's Minority, which the Witness computed to be about Four Years, and that he made the Lease about Two Years last *Allhallowtide*.—The Witness being Cross-examined sayd, The Name of the Minor's Father was *Samuel Waddy*, and his Interest in the Lands was a Lease for Three Lives renewable for Ever. He further sayd, he did not believe that *Samuel* the Father made a Lease for Three Lives to *Clark*, and that he could not tell that *Clark* voted out of a Lease of Three Lives made by *Samuel* the Father, but that he believed he did not ; but that he could not tell out of what he voted. He further sayd, He believed *Thomas Clark* to be an honest Man and never heard to the contrary, and the Witness being asked if *Clark* was a Man that deserved Credit on his Oath, he answered, he believed he was, and that he never had any Cause to suspect the contrary, and the Witness further sayd, That *Clark* served him with a Notice that his (*Clark's*) time was out, and that he would hold no longer, and desired him to provide a Tenant, but that *Clark* sayd, If the Witness would make him the like Abatement as he had done to other Tenants, that he would continue to hold, which the Witness sayd, he promised to do.—He further sayd, That *Clark* was Tenant for Four Years after the Witness took the aforesaid Guardianship upon him, before he gave the aforesaid Notice, but that he could not tell by what Title he held during that time, and that the Witness did not know the Lands before he became Guardian. The Council for your Worthy Sitting Member then produced *Richard Malone* who being examined sayd, That the Papers in his Hands were Copies of Certificates from the Rolls Office, and that he compared them and saw them signed by the proper Officer, and that they were true Copies, which Papers were at the Desire of the Council for the Sitting Member read and are Certificates of *Dominick Ford's* Conformity, and of his having received the Sacrament and of his taking the Oaths and subscribing the Declaration pursuant to the Act of Parliament made in this Kingdom, intituled, *An Act to Explain and Amend the Acts against the further Growth of Popery*. The Council for the Sitting Member then produced *Cadwallader Waddy* who produced the Affidavit



vit of *Dilman Dice*, and being examined sayd, the Affidavit was read to *Dice* by the Witnefs before *Dice* swore it, and that *Dice* himself wrote *Dilman Dice* at the Foot of it, but could not read the Affidavit as *Dice* told the Witnefs.

The Witnefs being Cross-examined, sayd, that he was a Deputy Clerk of the Peace for the County of *Wexford*, and at the Desire of the Petitioner's Council he produced *Edmond Widdop's* Affidavit, and sayd he appeared to be a Marksman, and that the Witnefs believed *Widdop's* Affidavit was read to him before he swore it; then the Witnefs produced the Affidavits of *William Williams*, *James Bailey*, *John Tharp*, *William Baily*, *Henry Williams*, *John Horneck* and *Thomas Williams*, and being examined in Relation thereto, he said he believed the said several Persons were also Marksmen, and that he believed their several Affidavits were read to them severally before they swore them, and sayd he was sure he was present at the Time of swearing all the said Affidavits, and that they were all filled up by the Witnefs, save one filled by Mr. *Hatton*, and that he believed that he himself had read Seven of the aforesaid Affidavits to the Persons who swore them before they were sworn, and that he could positively swear they were all afterwards read in open Court, but that he could not swear positively that he read the aforesaid Seven Affidavits to the Persons who swore them before they were sworn, but verily believed he did. The Witnefs further sayd he never declared he was not present when the said Affidavits were sworn, and further sayd that he voted for Mr. *Leigh*, your worthy Sitting Member, and was Agent for him on the Election, and that he could not take upon him to say that the Affidavits were not read to the Persons making them before they were sworn. The Witnefs further sayd he had been Deputy Clerk of the Peace from some Time in the Year One Thousand Seven Hundred and Forty Eight, and as such had acted all the Time since, except one Year that he was Sub-Sheriff, and then another acted for him. That it is the constant Practice at the Sessions, that immediately after the Affidavit is sworn by the Freeholder, it is handed up to the Justices to be signed by them, and is afterwards read in open Court; and the Witnefs being asked in as much as he had not signed his Name to the said Affidavits, as truly read by him, how he could take upon him



him to say they were read to the Persons making the Affidavits; he in Answer said that seven of them were filled up with his own Hand Writing ; and being asked why he signed his Name to *Dice's* Affidavit, he said, because *Dice* had desired him to read it to him, and that it was filled by another Person. And the Witness being asked if he had been desired by the seven other Persons to read their Affidavits, whether he should not have signed his Name to them, he made Answer he believed he should. He further sayd that he never heard any particular Directions were given that the Freeholder should attend while his Affidavit was reading. That the Clerk of the Peace is the Person that reads the Affidavits in Court, and that there is no Oath administred to the Clerk of the Peace to read them truly, and that the usual Course is, that after Caption of the Affidavit is signed by the Justices, it is handed down to the Clerk to be read, and that sometimes several are handed down together, and read one after another. That the Witness has a Fee from each Freeholder for the Registry, and would not take it if the Business was not regularly done. That he believed and was sure he received Fees on these Affidavits. He further sayd that he was not sworn into the Office of Deputy Clerk of the Peace, but that he thought it his Duty to read the Affidavits truly, and believed he did read them truly. That it often happened that the Court was employed about other Business when the Affidavits were sworn, and that they are generally read immediately after they are handed down by the Court, but sometimes that they lye on the Table a Quarter of an Hour before they are read. That he believed the Affidavits sometimes lie before the Justices for some Time, before they are signed by them, and that the Freeholders are not called when their Affidavits are read in open Court. He further said that it is usual in Affidavits of Marksmen to take Notice that the Affidavits were read to them, and that the Affidavit for the Registry is always made in open Court before the Justices. That the Affidavit when sworn is presented to the Justices by the Clerk of the Peace in order to be signed, and that the Person who is to swear it attends. The Witness further said that he often receives his Fee before the Affidavit is read in open Court, and that it is usual for the Freeholder to attend until he sees his Business finished, and that the Affidavit is read so openly and distinctly that all Persons in Court may hear it.



it. That the Purport of the Affidavit is, that the Freeholder has a Freehold at such a Place of the clear yearly Value of Forty Shillings. The Witness further sayd, that he wrote his Name on *Dice's* Affidavit as a Token that it was read to him. That sometimes he wrote his Name to Affidavits that he had read, and that sometimes he had neglected it. That in the Beginning of the Registry after passing of the Act of Parliament for that Purpose, he had not been so careful as he had been of late, since Cavils were made about it. He further sayd that the Fees for the Registry were sometimes paid by the Freeholders, and sometimes by the Landlord, and sometimes by the Agent; but that the Persons to be registred seldom or ever attended to see the Entries of the Registry made in the Book. The Witness sayd, he could not affirm with an equal degree of Certainty, that he read the Eight Affidavits, to which his Name is not marked, as he could that he read that to which his Name is marked. The Witness further sayd, it was the general Custom to swear the Person who reads the Affidavit, that he read it truly, but that the Witness was not sworn to the reading of any of the afore-said eight Affidavits. The Witness further said, he thought he was bound to read the Affidavits truly, and that he believed he did read them truly, and that the usual Method in respect to reading Affidavits to Marksmen is, that the Person who reads them, subscribes his Name, as having read them truly. And the Witness sayd, he believed he read the Affidavits, because he filled them. And that the said Eight Affidavits were sworn, (as the Witness believed) at the General Quarter Sessions, and did not recollect any of them were registred by Night. He further sayd, that Seven of the said Affidavits were sworn in One Thousand Seven Hundred and Forty Nine, at the same Sessions, and one in One Thousand Seven Hundred and Forty Eight, and that *Dice's* was sworn in One Thousand Seven Hundred and Fifty One.

And then the Council for the Sitting Member produced *Philip Minchin*, who being examined sayd, that he was a Witness to, and saw indented Articles of Agreement, dated the Eighteenth Day of *October*, One Thousand Seven Hundred and Fifty Two, executed, and the said Articles were thereupon read, whereby it appeared, that *Edward Richards*, Gentleman, did demise to  
*Joseph*



*Joseph Coplin*, his Heirs and Assigns; Part of the Lands of *Asquintion*, containing Forty Seven Acres, for the Lives of the said *Joseph Coplin*, his Wife and Daughter, and in the said Articles is contained a Clause of Reassumption, in the Words following :

“ And the said *Joseph Coplin* doth hereby for himself, his  
 “ Heirs and Assigns, Covenant, Promise and Agree to and with  
 “ the said *Edward Richards*, his Heirs and Assigns, That if he the  
 “ said *Edward Richards*, his Heirs or Assigns, should think  
 “ proper or desire to have again, or reassume the aforesaid Pre-  
 “ mises, against the Twenty Fifth Day of *March*, which will be  
 “ in the Year of our Lord, One Thousand Seven Hundred and  
 “ Fifty Four, That on said *Edward Richards*, his Heirs or As-  
 “ signs giving Three Month's previous Notice in Writing, of  
 “ his or their Intent for that Purpose, that then and in that  
 “ Case the said *Joseph Coplin*, his Heirs or Assigns, shall and  
 “ will give up the quiet and peaceable Possession of said Pre-  
 “ mises unto the said *Edward Richards*, his Heirs or Assigns,  
 “ on the Day, and at the Time aforesaid, provided said *Edward*  
 “ *Richards*, his Heirs or Assigns allows or pays unto the said  
 “ *Joseph Coplin*, the Sum of Ten Pounds sterl. on making such  
 “ Surrender.”

And the said *Philip Minchin*, also proved a Paper signed by *Edward Richards*, importing a Notice from him to *Coplin* to give up Possession, dated the Twenty Fifth of *December*, One Thousand Seven Hundred and Fifty Three.

And then the Council on both sides were then asked, if they had any further Evidence to lay before the Committee, with respect to the said Eight Persons, who had signed their Affidavits as Marksmen, and who were objected to on Account of its not appearing on the Face of their Affidavits, that they had been read to them. And the Council having declared that they had no further Evidence to lay before the Committee as to that Point, the Council were ordered to withdraw. And the Committee was then moved to come to the following Resolution, to wit,

B b

*Resolved,*



*Resolved,*

That it is the Opinion of this Committee, that *Edmond Wid-  
dop, William Williams, James Baily, John Tharp, William Bai-  
ly, Henry Williams, John Horneck, and Thomas Williams*, had a  
Right to vote at the late Election, held for a Knight of the Shire,  
for the County of *Wexford*.

And it having been moved in the Committee, that the Council  
might be called in and directed to speak to the Question of Law,  
arising upon the Objections made to the Registry of the said  
Persons, the Council on both Sides were called and heard ac-  
cordingly, and were afterwards ordered to withdraw ; and then  
the aforesaid Resolution was proposed to the Committee for their  
Consideration ; and the same having been debated in the Com-  
mittee, and the Committee having divided upon it, the same was  
carried in the Affirmative.

And then the Chairman by Order of the Committee left the  
Chair, and no further Proceedings were had before the  
Committee on the said Twenty Sixth Day of *November*.

But pursuant to the aforesaid Order made by the House the  
Committee met again on *Thursday* the Twenty Seventh Day of *No-  
vember* Instant, and proceeded in the further Hearing of the Me-  
rits of the said Election. And a Motion having been made that  
the Committee should resolve “ That no Person converted from  
“ the Popish to the Protestant Religion had a right to vote at any  
“ Election for any Member to serve in Parliament, unless such  
“ Person shall before such Election have enrolled a Certificate of  
“ his Conformity, and have received the Sacrament, and have  
“ taken, made and subscribed the Oaths and Declaration appoint-  
“ ed by the several Statutes made in this Kingdom to prevent  
“ the further Growth of Popery”.

The Council were called in and directed to inform the Com-  
mittee in Point of Law, what Evidence was necessary to be gi-  
ven by a Person who had been converted from the Popish to the  
Protestant



Protestant Religion, to intitle him to Vote for a Member of Parliament. And the Council for the Sitting Member, thereupon sayd, that they would not contend that the Person so converted was disqualified to vote, if he had not all the Evidence to produce to the Sheriff which was necessary to make out a compleat Conformity ; but that they were ready, if the Committee required it, to shew that fying the Bishop's Certificate, and taking the Oaths, and subscribing the Declaration, and receiving the Sacrament, were necessary Qualifications to intitle a Person so converted to vote for a Member of Parliament, and the Council for the Petitioner, having thereupon declared they did not intend to insist on behalf of the Petitioner, on the Vote of any Person converted from the Popish to the Protestant Religion who had not gone through all the Requisites prescribed by the several Acts made to prevent the further Growth of Popery. The Council were thereupon ordered to withdraw, and then the Committee came to the two following Resolutions, To Wit,

*Resolved,*

That it is the Opinion of this Committee that no Person who hath been or shall be a Papist after the Age of Twelve Years, hath a right by the Laws of this Kingdom to vote at any Election for any Member to serve in Parliament, unless such Person shall before such Election have enrolled a Certificate of his Conformity, and have received the Sacrament, and have taken, made and subscribed the Oaths and Declaration appointed by the several Acts and Statutes made in this Kingdom to prevent the further Growth of Popery.

*Resolved,*

That is the Opinion of this Committee that no Person who was or shall be a Protestant at the time of his Marriage, and whose Wife hath been or shall be a Papist at the time of the Marriage, hath a right by the Laws of this Kingdom to vote at any Election of any Member to serve in Parliament, unless such Wife shall within one Year after her Marriage to such Protestant, have enrolled a Certificate of her Conformity, and have received the Sacrament, and have taken made and subscribed the Oaths and Declaration



Declaration appointed by the several Acts and Statutes made in this Kingdom to prevent the further Growth of Popery.

And then the Council were again called in, And the Council for the Sitting Member being called upon to know if they had any further Evidence to lay before the Committee on his behalf, they made Answer that they had not, and that they then rested their Evidence on behalf of the Sitting Member. And the Council for the Petitioner being called upon, proceeded in Reply, and in order to shew that *Richard Jeffers* whose Vote was rejected by the Sheriff, was of Age when he Voted for the Petitioner. The Council for the Petitioner again produced the Reverend Mr. *Abel Butler*, who being further Examined, sayd that *Richard Jeffers* was his Parishioner in the Parish of *Tintrin*, and that he had been Incumbent thereof almost Twenty Three Years, and that the said *Richard Jeffers* was not born since the Witness became Incumbent of the said Parish, and that he had known the said *Richard Jeffers* almost Twenty Three Years, and believed he was two Years of Age when the Witness became Incumbent thereof. And the Witness being Cross-examined sayd, that he came to the Parish of *Tintrin* sometime in the Month of *January*, One Thousand Seven Hundred and Thirty Two, and that he believed the said *Jeffers* could not be less at that time than Two Years old. And then the Council for the Petitioner produced *Thomas Gurley* who proved several Certificates authenticated by the Signing of the proper Officers and the Witness's comparing them and seeing them so signed, and the said several Certificates were read and were as follow, to wit, a Copy of the Bishop's Certificate of *Peter Doran's* Conformity, Dated the Twenty Second of *June* One Thousand Seven Hundred and Twenty Three, and Enrolled the Twenty Eight of *June* One Thousand Seven Hundred and Twenty Three, Signed by *John Lodge* Deputy Clerk and Keeper of the Rolls; and a Certificate of the said *Doran's* having received the Sacrament, and of his having taken the Oaths and Subscribed the Declaration, Dated the Twenty Fifth Day of *June* One Thousand Seven Hundred and Twenty Three, Signed *Maxwell*, a Copy of the Bishop's Certificate, of the Conformity of *Garret Graham*, and the Certificate of his having received the Sacrament, taking the several Oaths, repeating the Declaration, and subscribing the same, pursuant



pursuant to the Statute in that Case; and the like Certificates were also read, in respect to the Conformity of *Stephen Cavenagh*, *Michael Lacy* and *Matthew Redmond*. The Council for the Petitioner, then sayd, they would proceed to shew, that *Lawrence Barry*, who voted for the Sitting Member, and was objected to as a Papist, and yet was received by the Sheriff, had conformed since the Election, and for that Purpose the said *Thomas Gurly* was examined, and sayd, that the Certificates then in his Hands, were true Copies of the Originals, and that he compared them, and saw them signed by the proper Officers, and that they were true Copies, and the said Certificates were delivered in by him, and were read, and by one of them which was the Certificate of the Bishop of *Ferns* and *Leighlin*, and was signed by him the Eighth of *March*, One Thousand Seven Hundred and Fifty Five, and enrolled the same Day, ————— It appeared that *Lawrence Barry* renounced the Errors of the Church of *Rome*, on the Eighth of *September*, One Thousand Seven Hundred and Fifty Four. And by the other Certificate, it appeared, he took the Oaths, and subscribed the Declaration, the Fourteenth Day of *January*, One Thousand Seven Hundred and Fifty Five. — The Council for the Petitioner then observed, that five of the Persons who had voted for the Sitting Member, and whose Votes remain on the Poll, were objected to for Popery; and that on the Part of the Sitting Member, they had only produced Certificates of the Conformity of *Dominick Ford*, but not of any other of the Persons so objected to. And the Council for the Sitting Member, having then insisted, that *Lawrence Barry* was not objected to, as a Papist, Mr. *William Bolton* was again produced on the Part of the Petitioner, and being examined, sayd, that *Lawrence Barry* was objected to, as a Papist, and as married to a Papist; but that he did not find any Admission made by *Barry*, in relation thereto, and that *Barry* voted for Mr. *Leigh*, the Sitting Member. And the Witness being Cross-examined, sayd, that *Edward Batterton* was objected to, and gave the same Account of the Admissions of *Batterton*, as he had before done, and also gave the same Account as he had before done of the Objections made to *Philip Devereux*, and his Answers thereto, which are in this Place omitted to avoid repetition, as they are herein before particularly mentioned.



And then your worthy Sitting Member stood up in his Place and acquainted the Committee, that he was just then informed by his Council, that as the Committee had declared their Opinion, that Eight Persons who had voted for the Petitioner, and had been rejected by the Sheriff, had a Right to vote; and as several Certificates had been produced to support the Right of Voting of several Persons who had offered to vote for the Petitioner, of which they were not before apprized, that they could not undertake to shew that the Majority was on his Side, and that they had it not in their Power to establish his Right to the Election; and therefore, he sayd, he took the earliest Opportunity he could, after the Matter came to his Knowledge, to inform the Committee of it, and to express his Concern for having taken up so much of the Time of the Committee, and that he should give them no further Trouble. And then the Sitting Member withdrew. And thereupon the Council for the Petitioner were stopped by the Committee from proceeding any further in their Evidence on the Part of the Petitioner. And the Council on both Sides were ordered to withdraw. And the Committee then came to the following Resolutions,

*Resolved,*

That it is the Opinion of this Committee, that *Robert Leigh, Esq;* is not duly returned a Knight of the Shire to serve in this present Parliament for the County of *Wexford*.

*Resolved,*

That it is the Opinion of this Committee, that *Robert Leigh, Esq;* is not duly elected a Knight of the Shire to serve in this present Parliament for the County of *Wexford*.

*Resolved,*

That it is the Opinion of this Committee, that *Andrew Ram, Esq;* is duly elected a Knight of the Shire to serve in this present Parliament for the County of *Wexford*.

*Resolved,*



*Resolved,*

That it is the Opinion of this Committee, that *Solomon Richards*, Esq; late High Sheriff of the County of *Wexford*, upon the late Election held before him for a Knight of the Shire to serve in this present Parliament for the said County, acted arbitrarily, partially, and illegally.

And then the Chairman, having been first directed to report the Proceedings of the Committee specially to the House, did, by Order of the Committee, leave the Chair.

The E N D.







